(74B)

Return to Addresses of the House of Commons, dated the 12th and 18th December, 1907, for a copy of all correspondence between the Government of Canada and the Imperial authorities, and a copy of all correspondence between the Government of Canada and any person or persons, and of all reports communicated to the Government in respect to the Anglo-Japanese convention regarding Canada; also relating to the immigration of Chinese and Japanese into Canada.

R. W. SCOTT,

Secretary of State.

Letter No. 47.

PROVINCE OF BRITISH COLUMBIA.

GOVERNMENT HOUSE, VICTORIA, May 6, 1897.

To the Honourable The Secretary of State of Canada, Ottawa.

Sm,—I' have the honour to transmit herewith a certified copy of an approved Minute of the 30th ulto., embodying a resolution of the Legislative Assembly now in session relative to the present unrestricted immigration of Japanese into Canada. E. DEWDNEY,

Lieutenant-Governor.

Certified copy of a report of a committee of the Honourable the Executive Council approved by His Honour the Lieutenant-Governor on the 30th day of April, 1897.

The Committee of Council submit for the approval of His Honour the Lieutenant-Governor the undermentioned resolution of the Legislative Assembly, namely:—

Whereas Her Majesty's Government have entered into a treaty with the Empire of Japan, whereby, among other articles, it is provided that any of Her Majesty's colonies may become parties to the said treaty, on applying to do so within a specified period: and

Whereas this province, from its geographical position is more immediately brought face to face with the question of Asiatic immigration than other provinces of the Dominion; and

Whereas the legislature have repeatedly expressed their opinion that such immigration should be restricted;

Resolved that a respectful Address be presented to His Honour the Lieutenant-Governor, praying him to convey to the Dominion Government the respectful request of that House that, should His Excellency's Government decide to become parties to the aforesaid treaty, they will make such stipulations as will prevent the unrestricted ammigration of Japanese into Canada.

The committee advise that a copy of this Minute if approved, be forwarded to the Honourable the Secretary of State.

VICTORIA, April 29, 1897.

JAMES BAKER, Clerk, Executive Council.

P. C. 243 K.

Letter No. 57.

PROVINCE OF BRITISH COLUMBIA.

GOVERNMENT HOUSE, VICTORIA, May 17, 1897.

To the Honourable The Secretary of State of Canada, Ottawa.

Sir,—I have the honour to transmit, herewith, for the information of His Excellency the Governor General in Council, a copy of a letter received from His Imperial Japanese Majesty's Consul for Canada, in reference to the Bill alluded to in my despatch of the 14th inst., relating to the employment of Chinese or Japanese persons on works carried on under franchises granted by private Acts.

E. DEWDNEY,

Lieutenant-Governor.

IMPERIAL CONSULATE OF JAPAN,

VANCOUVER, B.C., 13th May, 1897

To the Hon. Edgar Dewdney,

Lieut. Governor, B.C.

SIR,—I have the honour of informing you that I have, in the name of His Imperial Japanese Majesty's Government to protest against you giving assent to any and all Bills, preventing the employment of the Japanese subjects on works carried on under franchise granted by private Acts. This action on the part of the British Columbia Legislature is entirely contrary to the principles of the treaties now existing between Japan and Great Britain, by which the Japanese, unlike the Chinese, are protected from being placed under any discriminative laws in any of Her Britannic Majesty's Dominions and possessions.

I deem it therefore my right and duty to protest against your giving assent to any Bills containing clauses preventing the employment of the Japanese subjects.

It is the most unprovoking attacks ever made against the interest and dignity of the Japanese. I beg leave to call serious attention to the particular fact that there exists, in connection with the passage of these Bills for the insertion of the word 'Japanese' was effected by the members of the local legislatures, without one word of discussion or even explanation. It makes me doubt if it was done through some political animosities against the Japanese residents in the Province, but I hardly need to explain that in accordance with the existing treaty between Japan and Great Britain the Japanese subjects residing in the Dominion of Canada are entitled to the same privileges, liberties and rights, as they are freely enjoyed by the Canadian citizens in Japan. I see no reason why these rights could be rejected to the Japanese by the British Columbia Government, while she is one of Her British Majesty's possessions.

I beg further leave to state that I deem it my duty to ask you that you will deal with this important question with every justice and propriety so that the privileges and rights hitherto fully enjoyed by the Japanese subjects in this Province, shall be lawfully respected and protected according to the treaty obligations.

T. NOSSE, H.I.J.M's Consul for Canada.

IMPERIAL CONSULATE OF JAPAN,
VANCOUVER, B.C., May, 19, 1897.

His Excellency the Governor General, &c., &c., &c.

SIR, Your Excellency,—I have the honour of calling Your Excellency's serious attention to my telgraphic message which was forwarded to you on the 17th inst. relative to the Anti-Japanese bills which have been submitted by Lieutenant Governor Dewdney to Your Excellency's decision.

I beg leave to state that the British Columbia Legislatures, during their last sessions, have more than once passed bills prohibiting the employment of the Japanese subjects on works carried on under franchise granted by private acts.

I beg therefore further leave to protest, in the name of His Imperial Majesty's Government, against Your Excellency giving assent to any and all Bills of whatever nature which may tend to the discrimination of the Japanese subjects from other civilized nations.

I also beg to call Your Excellency's serious attention to the particular facts, which exist in connection with the passage of these bills in the British Columbia Legislatures for the insertion of the word 'Japanese' was effected by the members without one word of discussion or even explanation. It makes me doubt if it were done through some political animosities against the Japanese residents in this Province.

I hardly need to explain to Your Excellency that in accordance with the treaties between Japan and Great Britain the Japanese subjects residing in the Dominion of Canada are entitled to the same privileges, liberties and rights as they are freely enjoyed by the Canadian citizens in Japan and I see no reason why these rights could be refused to the Japanese subjects by the British Columbia Government on any of the governments constituting the Dominion of Canada.

I deem it, therefore, my right and duty to protest against Your Excellency's giving assent to the bills containing clauses, preventing the employment of the Japanese subjects and to request that Your Excellency will deal with this most important question with justice and propriety so that the privileges and rights hitherto fully enjoyed by the Japanese subjects in all the provinces under the Federal government of Canada be respected and protected according to the treaty obligations.

TATSZGORO, NOSSE, H.I.J.M. Consul General.

P. C. 295 K.

CONSULATE OF JAPAN,

VANCOUVER, B.C., June 1, 1897.

The Earl of Aberdeen,

SIR, Your Excellency,—In reference to my telegraphic dispatch of the 17th and also to my dispatch under date of the 19th ult., I have the honour of informing Your Excellency that I have been instructed by His Imeprial Japanese Majesty's Government to protest against Your Excellency giving assent to the particular clauses containing the word 'Japanese' in the so-called Oriental Labour Bill, submitted by the Lieut. Governor Dewdney to Your Excellency's decision, on the ground that the said Bill, so far as it concerns the Japanese, is most unjust and unfriendly measures ever taken by any civilized government against a friendly nation of Great Britain and her dependencies.

I have therefore the honour of protesting against Your Excellency giving assent to the Bill above referred to and also of calling your serious attention to the various facts in connection with the passage of the said bills by the British Columbia legislatures and the insertion of the word 'Japanese' thereto.

The Bill originally had not contained the word 'Japanese,' but an amendment of inserting them was made by a member and then it was effected without a discussion and even an explanation why this insertion of the words 'Japanese' was believed necessary, was not given by the members.

This action on the part of the local legislatures proves that the insertion of the words 'Japanese' in the Bill was entirely uncalled for and never for a moment warranted by any facts of whatever. They are, it appears, solely planned to do wrong and injustice to the interest and dignity of the Japanese subjects residing in this province.

Although hardly necessary, I may point out that the passage of such a Bill by one of the provincial legislatures, and of Your Excellency granting the Royal assents thereto will tend eventually to the manifestation of an unfriendly feeling by the local people toward the Japanese residents and especially in the form in which the said Bill has passed the British Columbia legislatures it will be obvious to Your Excellency that the Japanese subjects are to be discriminated alike the Chinese and that the full rights and liberty provided for in the Treaty between Japan and Great Britain will no longer be respected. The result of such unfair and unfriendly measures on the part of the Canadian government had they become law, would very naturally have led to the serious complications between the nations interested.

It is my sincere and earnest desire, therefore, that Your Excellency's fair and just decision will result in the Royal assent being withheld from a measure which 74b—1½

would be grossly unjust and unfriendly to the people of one of Britannic Majesty's friendly powers, while being of no real benefit to the welfare and prosperity of the province concerned.

TATSZGORO NOSSE, H.I. J.M.'s Consul General for Canada.

HIS IMPERIAL JAPANESE MAJESTY'S CONSULATE,
VANCOUVER, B.C., 14th March, 1898.

The Right Honourable Sir WILFRED LAURIER,

Prime Minister and President of the Council.

SIR,—I have the honour of addressing you, as I had to His Excellency the Governor General, respecting a bill introduced in the House of Commons, by Mr. McInnis, making the Chinese Immigration Act applicable to the Japanese, and increasing the poll tax to five hundred dollars.

You are convinced, I believe, that it is unfair and unjust to legislate, or even attempt to legislate, discriminately against the subject of the country which I have the honour to represent here, whose progress in civilization has excited the admiration of the world, and who has been internationally recognized as the equal of any country, in the same way as against the Chinese. Also I believe that the temper of higher class in this country in these matters is entirely different from that of certain elements of labourers whose views some politicians are forced to support. But if the bill shall have any great number of supporters in, or should it pass through the House of Commons or parliament, Japanese nation cannot be helped considering it as the attitude of Canada towards their country. To say nothing about affecting the most cordial feeling which happily exists at present between the Dominion of Canada and the Empire of Japan, it may hinder the development of the trade and commerce between both countries, which bids fair to grow year by year.

For the highest interests of both countries it is, therefore, to be earnestly hoped that you may use your influence to cause the Bill to be withdrawn, or to minimize the number of supporters of the bill. I may say confidentially, in addition, that I am communicating with my government in this matter, and that I myself, or Consul Nosse, who is now stationed at Chicago, but who has consular jurisdiction over the Eastern Canada, may be instructed to proceed over there. If I go you will be requested to favour me with an interview in this matter.

I avail myself f this occasion to express to you the assurance of my highest consideration.

S. SHIMIZU,
His Imperial Japanese Majesty's Consul.

PRIVY COUNCIL, CANADA,
OTTAWA, 23rd March, 1898.

S. SHIMIZU, Esq.,

His Imperial Japanese Majesty's Consul, Vancouver, B.C.

SIR,—I have the honour to acknowledge the receipt of your letter of the 14th inst. Mr. McInnis, as you are aware, in proposing the bill to which you call my attention, is acting in the exercise of his rights as a member of the House of Commons of Canada. I will not fail to lay before my colleagues the representations which you have conveyed to me in your letter. I venture to express the hope and belief that the good relations which at present exist between Japan and the British Empire will not be marred in any way by anything that may take place in Canada.

WILFRID LAURIER.

P.C. 822 K.

THE 1ST OF APRIL, 1898,

AT GOVERNMENT HOUSE,

VICTORIA, B.C.

The Honourable,

The Secretary of State,

Ottawa, Can.

SIR,—I have the honour to transmit, herewith a certified copy of a minute of my Executive Council, aproved on the 23rd ultimo, making representations to the Federal Government with a view to restricting the immigration into British Columbia of an undesirable class of aliens, and further that steps be taken for the maintenance of sick and indigent British subjects who may be stranded in this province on their way to or return from the Yukon district.

THOS. R. McINNES,

Lieutenant Governor.

PROVINCE OF BRITISH COLUMBIA.

Copy of a report of a committee of the Honourable the Executive Council, approved by His Honour the Lieutenant-Governor on the 23rd day of March, 1898.

The Committee of Council submit for the approval of His Honour the Lieut-enant-Governor the undermentioned resolution of the Legislative Assembly, namely:

Sub-section (11) Quarantine and establishment of marine hospitals.

Sub-section (29) Such classes of subjects as are expressly excepted in the enumeration of the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces.

Whereas thousands and tens of thousands of people from numerous parts of the world are flocking to the Yukon territory in search of gold; and

Whereas a large portion of these people are inexperienced and ignorant of the nature and difficulties connected with their undertaking, are many of them not British subjects, and are possessed of very limited means; and

Whereas numerous disappointments and failures must be the natural outcome of such a state of affairs, thus throwing upon society a large number of sick and irdigent persons, criminals, and people of unsound mind, and

Whereas, from its geographical position in relation to the Yukon territory, the Province of British Columbia becomes the easiest refuge for such an undesirable class of people; and

Whereas the large revenue derived from the immigration to the Yukon district is almost wholly absorbed by the Dominion Government;

Therefore, be it resolved, that a humble address be presented to His Honour the Lieutenant-Governor, praying him to move the Dominion Government—

1. To take effective steps at the ports of embarkation and debarkation to prevent sick and indigent persons, criminals, and lunatics who are not British subjects from emigrating to British Columbia:

2. To take effective steps for the reception and maintenance of sick and indigent persons, criminals and lunatics who may be British subjects, and who may be landed in British Columbia.

The Committee advise that a copy of this Minute if approved, be forwarded to the Honourable the Secretary of State.

JAMES BAKER, Clerk, Executive Council.

HIS IMPERIAL JAPANESE MAJESTY'S CONSULATE FOR CANADA,
VANCOUVER, B.C., 10th May, 1898.

The Earl of Aberdeen,

&c., &c., &c., &c.

Your Excellency,—I have the honour of calling Your Excellency's attention to a provision in the several railway bills and other private bills which have passed or may pass through the legislative assembly of the province of British Columbia, and to which assent may be given by His Honour the Lieutenant Governor of that province, prohibiting the employment of subjects of Japan in the construction or operation of the various railways or other undertakings which may be built or carried out under the sought-for charters. I, in the name of His Imperial Japanese Majesty's government, most respectfully protest, as far as Japanese persons are concerned, against any such discrimination against the subjects of a friendly nation whose government I have the honour to represent here, on the following grounds:—

1. That no satisfactory reason has been or can possibly be given, for such dis-

crimination in the legislative assembly above stated.

2. That the article of the Revised Treaty of Commerce and Navigation between Japan and Great Britain provides that 'the subjects of each of the two high contracting parties shall have full liberty to enter, travel or reside in any part of the dominions and possessions of the other contracting party, and shall enjoy full and perfect protection for their person and property;' and the Article 15 of the same that 'the high contracting parties agree that, in all concerns, commerce and navigation, and privilege, favour, or immunity which either contracting party has actually granted, or may hereafter grant, to the government, ships, subjects or citizens of any other state shall be extended immediately and unconditionally to the government, ships, subjects or citizens of the other contracting party, it being their intention that the trade and navigation of each country shall be placed in all respects by the other on the footing of the most-favoured nations.'

3. That though the Dominion of Canada does not participate in the revised treaty referred to, it is contradictory to international usage that a nation subject to the duties and privileges of international law, be adversely discriminated in legisla-

tion in a friendly country.

4. That while the legislators of the province of British Columbia apparently look upon the Japanese in the same light as Chinese, it is a well known fact that the education and character, customs and manners of Japanese are entirely different from those of Chinese, so that the principal argument of the legislators is contradicted by the fact.

5. That the number of Japanese residents in British Columbia, not exceeding one

thousand and odd persons, is less than one-tenth of that of Chinese.

6. That the government of Japan controls the movements of emigrants by enforcing the emigration regulations, no intending emigrant being allowed to leave the country unless the proper authorities are satisfied that he has good reason to emigrate to a certain country, so that the emigration into any country can be restricted to proper extent by the government of Japan.

7. That such discrimination would tend to be detrimental to some extent to the development of the international trade between Canada and Japan, which the gov-

ernments of the two countries are now endeavouring to foster.

I therefore most respectfully request that Your Excellency will give these provisions in the bills referred to such consideration as will lead to Your Excellency's disallowance.

S. SHIMIZU,

His Imperial Japanese Majesty's Consul.

HIS IMPERIAL JAPANESE MAJESTY'S CONSULATE FOR CANADA,
VANCOUVER, B.C., 16th May, 1898.

His Excellency

The Governor General, &c., &c., &c.

Your Excellency,—I have the honour of calling Your Excellency's attention to a section of a bill intituled: 'An Act to amend the British Columbia Public Works Loan Act, 1897,' which passed through the legislative assembly of the province of British Columbia, and to which assent may be given by His Honour the Lieutenant Governor of that province, prohibiting Chinese or Japanese persons to be employed or permited to work in the construction or operation of any undertaking thereby subsidized. I, in the name of His Imperial Japanese Majesty's Government, most respectfully protest, as far as Japanese persons are concerned, against such discrimination against the subjects of a friendly nation, whose government I have the honour to represent here, on the same grounds as those that I have propounded in protesting against a provision of the same nature contained in the various railway bills and several private bills, in my despatch addressed to Your Excellency on the 10th instant, and most respectfully request that Your Excellency will give the section referred to such consideration as will lead to Your Excellency's disallowance.

S. SHIMIZU,
His Imperial Japanese Majesty's Consul.

HIS IMPERIAL JAPANESE MAJESTY'S CONSULATE FOR CANADA,
VANCOUVER, B.C., 28th May, 1898.

His Excellency

The Governor General of Canada, Ottawa.

Your Excellency,—As a supplementary to my despatch of 10th instant, protesting against a provision in the several railway bills and other private bills of the legislative Assembly of British Columbia, I have the honour of forwarding to Your Excellency herein enclosed a list of the Acts that have passed the legislative assembly in its last session and received the assent of His Honour the Lieutenant Governor of that province, on the 20th instant, in which anti-Japanese clauses will be found.

S. SHIMIZU,
His Imperial Japanese Majesty's Consul.

List of Acts in which the anti-Japanese clauses will be found:-

- 4. An Act to incorporate the Mountain Tramway and Electric Company.
- 5. An Act to incorporate the Kitmat Railway Company, Limited.
- 7. An Act to incorporate the Alice Arm Railway.
- 8. An Act to incorporate the South-east Kootenay Railway Company.
- 9. An Act to incorporate the Kootenay and North-west Railway Company.
- 12. An Act to incorporate the Revelstoke and Cassiar Railway Company.
- 13. An Act to incorporate the Skeena River and Eastern Railway Company.
- 14. An Act to incorporate the Arrowhead and Kootenay Railway Company.

- 15. An Act to incorporate the East Kootenay Valley Railway Company.
- 16. An Act to incorporatet the North Star and Arrow Lake Railway Company.
- 17. An Act respecting the Nanaimo Electric Light, Power and Heating Company, Limited.
- 19. An Act to incorporate the British Columbia Great Gravel Dredge Mining Corporation.
- 20. An Act to incorporate the Skeena River Railway Colonization and Exploration Company.
 - 21. An Act to incorporate the Downie Creek Railway Company.
 - 26. An Act to incorporate the Canadian Yukon Railway Company.
 - 28. An Act to incorporate the Red Mountain Tunnel Company, Limited.
- 37. An Act to authorize the Cowichan Lumber Company, Limited, to construct a dam and works on the Cowichan River, in the Quamichan district and also to construct a tramway to connect the said dam and works with a point at or near the mouth of the Cowichan River.
 - 39. An Act to incorporate the Portland and Stikine Railway Company.
 - 41. An Act to amend the Tramway Company Incorporation Act.

P. C. 975-K.

(Telegram.)

Mr. Chamberlain to Lord Aberdeen.

London, 18th June, 1898.

Referring to your despatch No. 145, May 30th, send copy of bills with observations of your Ministers as soon as possible. Hope advice of your Ministers as to disallowance may be delayed till I have had opportunity for consideration. See Lansdowne's secret despatch 20 December, 1887.

CHAMBERLAIN.

1033-K.

DOWNING STREET, 20th July, 1898.

Governor General

The Right Honourable

The Earl of Aberdeen, P.C., G.C.M.G.

My Lord,—I have the honour to acknowledge the receipt of your despatches of the numbers and dates noted in the margin, in which you forwarded copies of various communications received by you from the Japanese Consul for Canada respecting the anti-Japanese legislation recently passed by the legislature of British Columbia.

the request contained in my telegram of the 18th June, copies of the Acts to which M. Shimizu takes exception, together with the observations of your ministers thereon.

3. In the meantime I have to request that you will impress upon your ministers that restrictive legislation of the type of which the legislation in question appears to be is extremely repugnant to the sentiments of the people and government of Japan, and you should not fail to impress upon them the importance, if there is any real prospect of a large influx of Japanese labourers into Canada, of dealing with it by legislation of the Dominion parliament on the lines of the accompanying Natal Act, which is likely to be generally adopted in Australia.

J. CHAMBERLAIN.

The Immigration Restriction Act, 1897 .- Arrangement of Clauses.

Preamble.

- 1. Short title.
- 2. Exemptions.
- 3. Prohibited immigrants.
- 4. Unlawful entry of prohibited immigrants.
- 5. Entry permitted on certain conditions.
- 6. Persons formerly domiciled in Natal.
- 7. Wives and children.
- 8. Liability of masters and owners of ship for illegal landing of immigrants.
- 9. Disabilities of prohibited immigrants.
- 10. Contract for return of prohibited immigrants.
- 11. Offence of assisting in contraventions.
- 12. Offence of assisting contravention by persons named in section 3.
- 13. Bringing insane persons into colony.
- 14. Powers of police to prevent entry.
- 15. Officers for carrying out Act.
- 16. Rules.
- 17. Punishments.
- 18. Jurisdiction of magistrates.

Schedule A.

Schedule B.

(No. 1, 1897.)

WALTER HELY-HUTCHINSON,

Governor.

ACT.

To place certain restrictions on Immigration.

Whereas it is desirable to place certain restrictions on immigration—
Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

- 1. This Act may be known as 'The Immigration Restriction Act, 1897.'
- 2. This Act shall not apply to:-
 - (a.) Any person possessed of a certificate in the form set out in the Schedule A to this Act annexed and signed by the Colonial Secretary, or the Agent General of Natal, or any officer appointed by the Natal government for the purposes of this Act whether in or out of Natal.
 - (b.) Any person of a class for whose immigration into Natal provision is made by law or by a scheme approved by government.
 - (c.) Any person specially exempted from the operation of this Act by a writing under the hand of the Colonial Secretary.
 - (d.) Her Majesty's land and sea forces.
 - (e.) The officers and crew of any ship of war of any government.
 - (f.) Any person duly accredited to Natal by or under the authority of the Imperial or any other government.
- 3. The immigration into Natal, by land or sea of any person of any of the classes defined in the following subsections, hereinafter called 'prohibited immigrant' is prohibited, namely:—
 - (a.) Any person who, when asked to do so by an officer appointed under this Act, shall fail to himself write out and sign, m the characters of

any language of Europe, an application to the Colonial Secretary in the form set out in Schedule B to this Act.

(b.) Any person being a pauper, or likely to become a public charge.

(c.) Any idiot or insane person.

- (d.) Any person suffering from a loathsome or a dangerous contagious disease.
- (e.) Any person who, not having received a free pardon has within two years been convicted of a felony or other infamous crime or misdemeanor involving moral turpitude, and not being a mere political offence.

(f.) Any prostitute, and any person living on the prostitution of others.

- 4. Any prohibited immigrant making his way into, or being found within, Natal, in disregard of the provisions of this Act, shall be deemed to have contravened this Act, and shall be liable, in addition to any other penalty, to be removed from the colony, and upon conviction may be sentenced to imprisonment not exceeding six months without hard labour: Provided that such imprisonment shall cease for the purpose of deportation of the offender, or if he shall find two approved sureties each in the sum of fifty pounds sterling, that he will leave the colony within one month.
- 5. Any person appearing to be a prohibited immigrant within the meaning of section 3 of this Act and not coming within the meaning of any of the subsections (C), (D), (E), (F), of the said section 3 shall be allowed to enter Natal upon the following conditions:—
- (a) He shall, before landing, deposit with an officer appointed under this Λ ct the sum of one hundred pounds sterling.
- (b) If such person shall, within one week after entering Natal, obtain from the Colonial Secretary, or a magistrate, a certificate that he does not come within the prohibition of this Act, the deposit of one hundred pounds sterling shall be returned.
- (c) If such person shall fail to obtain such certificate within one week, the deposit of one hundred pounds sterling may be forfeited, and he may be treated as a prohibited immigrant.

Provided that, in the case of any person entering Natal under this section, no liability shall attach to the vessel or to the owners of the vessel in which he may have arrived at any port of the colony.

- 6. Any person who shall satisfy an officer appointed under this Act that he has been formerly domiciled in Natal, and that he does not come within the meaning of any of the subsections (C), (D), (E), (F), of section 3 of this Act, shall not be regarded as a prohibited immigrant.
- 7. The wife and any minor child of a person not being a prohibited immigrant shall be free from any prohibition imposed by this Λct .
- 8. The master and owners of any vessel from which any prohibited immigrant may be landed shall be jointly and severally liable to a penalty of not less than one hundred pounds sterling, and such penalty may be increased up to five thousand pounds sterling by sums of one hundred pounds sterling, each for every five prohibited immigrants after the first five, and the vessel may be made executable by a decree of the Supreme Court in satisfaction of any such penalty, and the vessel may be refused a clearance outwards until such penalty has been paid, and until provision has been made by the master to the satisfaction of an officer appointed under this Act for the conveyance out of the colony of each prohibited immigrant who may have been so landed.
- 9. A prohibited immigrant shall not be entitled to a license to earry on any trade or calling, nor shall be entitled to acquire land in leas hold, freshold, or otherwise to exercise the franchise, or to be enrolled as a burgess of any borough

or on the roll of any township; and any license or franchise right which may have been acquired in contravention of this Act shall be void.

- 10. Any officer thereto authorized by government may make a contract with the master, owners, or agent of any vessel for the conveyance of any prohibited immigrant found in Natal to a port in or near to such immigrant's country of birth, and any such immigrant with his personal effects may be placed by a police officer on board such vessel, and shall in such case, if destitute, be supplied with a sufficient sum of money to enable him to live for one mouth according to his circumstances in life after disembarking from such vessel.
- 11. Any person who shall in any way wilfully assist any prohibited immigrant to contravene the provisions of this Act shall be deemed to have contravened this Act.
- 12. Any person who shall in any way wilfully assist the entry into Natal of any prohibited immigrant of the class (f) in section 3 of this Act shall be deemed to have contravened this Act, and shall upon conviction be liable to be imprisoned with hard labour for any period not exceeding twelve months.
- 13. Any person who shall be wilfully instrumental in bringing into Natal an idiot or insane person without written or printed authority, signed by the Colonial Secretary, shall be deemed to have contravened this Act, and in addition to any other penalty shall be liable for the cost of the maintenance of such idiot or insane person whilst in the colony.
- 14. Any police officer or other officer appointed therefor under this Act may, subject to the provisions of section 5, prevent any prohibited immigrant from entering Natal by land or sea.
- 15. The Governor may from time to time appoint, and at pleasure remove, efficers for the purpose of carrying out the provisions of this Act, and may define the duties of such officers, and such officers shall carry out the instructions from time to time given to them by the ministerial head of their department.
- 16. The Governor in Council may, from time to time, make, amend and repeal rules and regulations for the better carrying out of the provisions of this Act.
- 17. The penalty for any contravention of this Act or any rule or regulation passed thereunder, where no higher penalty is expressly imposed, shall not exceed a fine of fifty pounds sterling, or imprisonment with or without hard labour, until payment of such fine or in addition to such fine, but not exceeding in any case three months.
- 18. All contraventions of this Act or of rules or regulations thereunder and suits for penalties or other moneys not exceeding one hundred pounds sterling shall be cognizable by magistrates.

Colony of Natal.

This is to certify that of aged by trade or calling a is a fit and proper person to be received as an immigrant in Natal.

Dated at this day of

(Signature)

SCHEDULE B.

To the Colonial Secretary.

SIR,—I claim to be exempt from the operation of Act No.

My full name is

My piace of abode for the past twelve months has been

My business or calling is I was been at

in the year

Yours, &c.,

Given at Government House, Natal, this fifth day of May, 1897

By command of His Excellency the Governor.

THOS. K. MURRAY,

Colonial Secretary.

GOVERNMENT HOUSE,

VICTORIA, B.C. 23rd December, 1898.

The Honourable

The Secretary of State, Ottawa, Canada.

SIR,—I have the honour to acknowledge the receipt of your letter of the 15th instant, calling my attention to your letter of the 17th ultimo, respecting the Protest of the Japanese minister against certain Acts of the legislature of this province aimed at the exclusion of Japanese subjects from employment in this province, and in reply to state that I have forwarded copy of your letter to my executive council with the request that they give it their early attention, and furnish His Excellency with their views upon the subject with as little delay as possible.

THOS. R. McINNES,

Lieutenant-Governor.

Extract from a Report of the Committee of the Honourable the Privy Council, approved by His Excellency on the 10th November, 1898.

The committee of the Privy Council have had under consideration a despatch, hereto annexed, dated 11th August, 1898, from the Right Honourable Mr. Chamberlain, transmitting copies of correspondence with the Foreign Office, respecting a note from the Japanese Minister complaining of the recent Acts of the Legislature of British Columbia aimed at the exclusion of Japanese subjects from employment in that province.

The committee, on the recommendation of the Minister of Justice, to whom the despatch was referred, advise that a copy of the said despatch and of the accompanying correspondence with the Foreign Office, be transmitted to the Lieutenant Governor of the province of British Columbia, and that he be requested to state the views of his government upon the subject for the information of Your Excellency in replying to Mr. Chamberlain's despatch.

All of which is respectfully submitted for Your Excellency's approval.

JOHN J. McGEE, Clerk of the Privy Council.

Mr. Chamberlain to Lord Aberdeen.

DOWNING STREET, 11th August, 1898.

Governor General,

&c., &c., &c.

My Lord,—With reference to my telegram of the 18th June and my despatch No. 214 of the 20th ult., I have the honour to transmit to you for communication to your manisters copies of correspondence with the Foreign Office respecting a note from the Japanese minister at this court, complaining of the recent bills of the Legisla-

ture of British Columbia aimed at the exclusion of Japanese subjects from employment in that province.

I shall be glad if you will move your ministers to give their early consideration

to this matter.

J. CHAMBERLAIN.

FOREIGN OFFICE, 6th August, 1898.

The Under Secretary of State, Colonial Office.

Sir,—I am directed by the Marquis of Salisbury to transmit, to be laid before the Secretary of State for the Colonies, copy of a note which has been received from the Japanese minister at this court, complaining of recent legislation in British Columbia for the exclusion of Japanese subjects from employment in that province.

His Lord-hip would be glad to be informed what answer Mr. Secretary Cham-

berlain would suggest to be returned to the Japanese alinister's note.

FRANCI'S BERTIE.

Japanese Legation, 3rd August, 1898.

The Marquis of Salisbury, K.G., &c., &c., &c.

My Lord Marquis.—The legislative assembly of the province of British Columbia, in the Dominion of Canada, passed in the month of May last, an Act "to prohibit the employment of Chinese and Japanese persons on work carried on under the franchises granted by private Acts." also another Act "to amend the British Columbia Public Works Loan Act, 1897," and several railway and other private bills, all of which contain provisions prohibiting the employment of Japanese subjects in several works, public and private, under the remalty of a fine for each Japanese so employed. The Japanese Consul at Vancouver has, therefore, under instructions of the Imperial government entered a protest to the Lieutenant Governor of the province in the hope that the necessary approval of the Governor might be withheld from these enactments. His representations were, however, fruitless, and the Acts were approved by the Lieutenant Governor, and are now awaiting the assent of the Governor General of Canada.

My government, although they confidently believe that the legislation so unfriendly and discriminating against Japanese subjects would not receive the sanction of the Governor General, have instructed me to call the attention of Her

Majesty's Government to the matter.

The impropriety of such discriminating legislation against the subjects of a friendly state is evident in itself and requires hardly any comment on the part of my government. The Japanese subjects in Canada are not large in number. So far as my government are aware they have always been law-abiding and have done nothing that might necessitate a legislative action adverse to their interests. Moreover, in the opinion of my government, such measures if allowed to become law, cannot but injuriously affect the cordial and commercial relations which now happily exist between Japan and the Dominion of Canada, and which have every prospect of further developments in the near future.

I have therefore the honour to ask the good offices of your lordship so that Her Majesty's government may see their way to exercise their influence with the Governor General of Canada in order that his assent may be withheld from the aforesaid

legislation of British Columbia.

DOWNING STREET, 11th August, 1898.

The Under Secretary of State, Foreign Office.

Sir,—In reply to your letter of the 6th inst., inclosing a copy of a note from the Japanese minister at this court protesting against recent legislation in British Columbia for the exclusion of Japanese subjects from employment in that province, I am directed by Mr. Secretary Chamberlain to acquaint you for the information of the Marquis of Salisbury that no reply has yet been received to the communications addressed to the Governor General on this subject.

A copy of Mr. Kato's note will, however, be sent to him, with a request that h. will press his ministers for early consideration of the matter, and in the meantime I am to suggest that M. Kato should be informed that Mr. Chamberlain is in communication with the Governor General of Canada on this subject.

C. P. LUCAS.

Extract from a Report of the Committee of the Privy Council, approved by the Governor General on the 7th December, 1898.

The committee have had under consideration the annexed report dated November 5, 1898, from the Minister of Justice upon the Statutes of the Province of British Columbia, passed in the sixty-first year of Her Majesty's reign (1898), and received by the Secretary of State of Canada on June 8, 1898.

The minister is of opinion that these statutes may be left to their operation without comment, with the exception of those specially referred to in the said report, and which are the following:—

Chapter 40 'An Act to give effect to the Revised Statutes of British Columbia.' Chapter 49 'An Act respecting the Canadian Pacific Navigation Company (Limited).'

Chapter 28 'An Act relating to the employment of Chinese or Japanese persons on works carried on under Franchises granted by private Acts.'

Chapter 10 'An Act to confirm an agreement between Her Majesty in right of Her Province of British Columbia and Frank Owen and William John Stokes, and to incorporate the Cariboo-Omineca Chartered Company.'

Section 30 of this chapter provides that 'no Chinese of Japanese person shall be employed in the construction or operation of the undertaking hereby authorized, under a penalty of five dollars per day for each and every Chinese or Japanese person employed in contravention of this section, to be recovered on complaint of any person under the provisions of the Summary Convictions Act.'

Chapters 30, 44, 46, 47, 48, 50, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64. Each of these statutes contains a provision similar to section 30 of chapter 10 prohibiting the employment of Chinese or Japanese persons by the respective Companies.

The committee concur in the said report and submit the same for Your Excellency's approval and advise that a certified copy of this minute, if approved, together with a copy of the said report of the Minister of Justice, and of the papers accompanying the same, be transmitted to the Lieutenant Governor of the province of British Columbia for the information of his government.

JOHN J. McGEE.

Clerk of the Privy Council.

DEPARTMENT OF JUSTICE, CANADA,
OTTAWA, November 8, 1898.

To His Excellency the Governor General in Council:

The undersigned has had under consideration the statutes of the province of British Columbia, passed in the sixty-first year of Her Majesty's reign (1898), and

received by the Secretary of State for Canada on 8th June, 1898, and he is of opinion that these statutes may be left to their operation without comment, with the exception of those hereafter specially referred to:—

Chapter 40, 'An Act to give effect to the Revised Statutes of British Columbia.' This statute relates to the recent revision of the provincial statutes and gives effect to the revision. Without referring particularly to the various objections which have been stated in the reports of the undersigned's predecessors in office upon the statutes contained in the revision from time to time as they were enacted, the undersigned intends that these objections, so far as applicable, shall be considered to apply to the revised statutes. Having regard to previous comments and to the above observation, the undersigned does not consider it necessary to make any special remarks with regard to any of the revised statutes other than chapter 107, 'The Jurors' Act,' as to which he observes that sections 75 to 82, inclusive, relate to juries in criminal cases, and appear to contain substantially re-enactments of the corresponding provisions of the Criminal Code, 1892. These affect matters of criminal procedure and are ultra vires of the legislature. The undersigned does not propose on that account that the statute should be disallowed, because he provisions in question are not inconsistant with the Criminal Code, and to disallow the statute which gives effect to the revision might cause serious inconvenience. It is very undesirable, however, that a provincial legislature should enact rules of criminal procedure, even although they be copied from the Criminal Code. Such rules can receive no effect from provincial enactment, and as amendments are being frequently made to the code, the provincial rules might soon become inconsistent therewith, in which case there would be a liability to error from having incompatible rules affecting the same subject appearing upon the two statute-books. The undersigned considers, therefore, that the sections in question should be repealed, and he recommends that the provincial government be requested to introduce the necessary legislation at the next session of the legislature.

Chapter 49.— An Act respecting the Canadian Pacific Navigation Company, Limited.

Among the powers conferred upon the company is one stated in the following terms:—

'(a) To purchase, charter, hire, build, or otherwise acquire steamships and other vessels of any description, and to employ the same in the conveyance of passengers, mails, cattle, produce and merchandise of all kinds, and in towing vessels of all kinds, and lumber, between any parts of British Columbia and elsewhere, as may seem expedient, and to acquire any postal or other subsidies.'

It is beyond the authority of a provincial legislature to authorize the establishment or operation of a line of steam or other ships connecting the province with any other or others of the provinces, or extending beyond the limits of the province, or between the province and any British or foreign country. The words 'and elsewhere, as may seem expedient' in the paragraph quoted, would seem to indicate that it is intended to authorize the company to carry on a shipping business between the province and other places outside the limits of the province, and they should, for that reason, be struck out. The undersigned recommends that the matter be called to the attention of the provincial government, and that the government be requested to state whether a proper amendment will be made within the time limited for disallowance. Meantime the undersigned withholds any further recommendation with regard to this Act.

Chapter 28.—'An Act relating to the employment of Chinese or Japanese persons on works carried on under franchises granted by private Acts.'

The Act is given the short title of the 'Labour Regulation Act, 1898,' and is in effect similar to the Bill passed by the legislative assembly of the province of British Columbia in 1897, entitled: 'An Act relating to the employment of Chinese or

Japanese persons on works carried on under franchises granted by private Acts,' which was reserved by the Lieutenant Governor for the pleasure of His Excellency in Council, and which was the subject of a report by the predecessor in office of the undersigned, approved by His Excellency in Council on 15th December, 1897, and as to which His Excellency's government declined to give effect. The Act defines the terms 'Chinese' and 'Japanese' as meaning any native of the Chinese or Japanese empires, or their dependencies, not born of British parents, and as including any person of the Chinese or Japanese races. It disqualities from employment by persons or companies exercising provincial franchises Chinese or Japanese persons as so defined, and renders such persons or companies employing them liable to penalties for such employment.

Chapter 10.—'An Act to confirm an agreement between Her Majesty in right of her province of British Columbia and Frank Owen and William John Stokes, and

to incorporate the Cariboo-Omineca Chartered Company.'

Section 30 of this chapter provides that 'no Chinese or Japanese person shall be employed in the construction or operation of the undertaking hereby authorized, under a penalty of five dollars per day, for each and every Chinese or Japanese person employed in contravention of this section, to be recovered on complaint of any person under the provisions of the "Summary Convictions Act."

Chapter 30-'An Act to amend the British Columbia Public Works Loan Act,

1897.

Chapter 41—'An Act to amend the Tramway Incorporation Act.'

Chapter 46—'An Act to incorporate the Alice Arm Railway.'

Chapter 47—'An Act to incorporate the Arrowhead and Kootenay Railway Company.'

Chapter 48—'An Act to incorporate The British Columbia Great Gold Gravels

Dredge-Mining Corporation.'

Chapter 50—'An Act to incorporate the Canadian Yukon Railway Company.' Chapter 52—'An Act to incorporate the Downie Creek Railway Company.'

Chapter 53—'An Act to incorporate the East Kootenay Valley Railway Company.'.

Chapter 54— 'An Act to incorporate the Kittimaat Railway Company, Limited.' Chapter 55 'An Act to incorporate the Kootenay and North-west Railway Com-

pany.

Chapter 56 'An Act to incorporate the Mountain Tramway and Electric Company.' Chapter 57 'An Act respecting the Nanaimo Electric Light, Power and Heating Company, Limited.'

Chapter 58 'An Act to incorporate the North Star and Arrow Lake Railway Com-

pany.'

Chapter 59 'An Act to incorporate the Portland and Stikine Railway Company.' Chapter 60 'An Act to incorporate the Red Mountain Tunnel Company, Limited.' Chapter 61 'An Act to incorporate the Revelstroke and Cassiar Railway Company.'

Chapter 62 'An Act to incorporate the Skeena River and Eastern Railway Company.'

Chapter 63 'An Act to incorporate the Skeena River Railway, Colonization and Exploration Company.'

Chapter 64 'An Act to incorporate the South East Kootenay Railway Company.' Each of these statutes contains a provision similar to section 30 of chapter 10 prohibiting the employment of Chinese or Japanese persons by the respective com-

panies.

These enactments have been the subject of complaint by the Japanese Minister at the Court of St. James, and the Japanese Consul at Vancouver. Copies of the communications of these gentlemen upon the subject are submitted herewith. In a despatch to His Excellency the Governor General from the Right Honourable the Principal Secretary of State for the Colonies, dated 20th July last, referring to this

legislation, His Excellency is requested to impress upon his ministers that restrictive legislation of the type of which the legislation in question appears to be is extremely repugnant to the sentiments of the people and government of Japan. It is stated that His Excellency should not fail to impress upon his ministers the importance, if there is any real prospect of a large influx of Japanese labourers into Canada, of dealing with it by legislation of the Dominion on the lines of the Natal Act, copy of which accompanies the despatch of the Colonial Secreary, and which, it is stated, is likely to be generally adopted in Australia. The undersigned submits herewith copy of the Natal Act in question.

It appears, therefore, that this matter is regarded by Her Majesty's government as one of Imperial interest, and the representations of that government upon the subject should, accordingly be carefully considered in determining upon the course to be pursued with regard to the legislation. In the meantime it may be well to communicate with the government of British Columbia upon the subject, inclosing copies of the complaints of the Japanese minister and consul and of Mr. Chamberlain's despatch of 20th July, 1898, in addition to the communication which has been sent pursuant to the recommendation made by the undersigned on 25th October last. The provincial government should be asked to give the matter early consideration, and state, for the information of Your Excellency's government, any facts or reasons which they desire to be considered. It is also important to ascertain whether the provincial government would be prepared to recommend the repeal of chapter 25, and of the anti-Japanese and Chinese sections of the other chapters above mentioned. A communication should also, in the opinion of the undersigned, be addressed by Your Excellency's government to the Right Honourable the Principal Secretary of State for the Colonies, stating what has so far leen done with regard to this legislation, and a copy of the statutes should be forwarded to him. Further action, the undersigned considers, may be delayed until a reply has been received from the provincial authorities.

The undersigned recommend that a copy of this report, if approved, and of papers accompanying the same, be transmitted to the Lieutenant Governor of the province, for the information of his government.

DAVID MILLS.

Minister of Justice.

GOVERNMENT HOUSE. VICTORIA, B.C., 4th January, 1899.

The Honourable
The Secretary of State,
Ottawa, Canada.

Sir,—I have the honour to acknowledge receipt of your letter of the 24th ultimo, transmitting copy of an approved minute of the Privy Council, dated the 17th ultimo, adopting the report of the Minister of Justice, thereto attached, respecting the statutes of this province, passed in the sixty-first year of Her Majesty's reign, (1908) together with correspondence in regard to legislation concerning Japanese labour. I have requested my ministers to give the subject matter of the aforesaid report their early consideration, and to state for the information of His Excellency's government any facts or reasons which they may desire to have considered upon the subject, and to state whether they are prepared to recommend the repeal of chapter 28, and of the anti-Japanese and Chinese sections of the other chapters mentioned in the aforesaid report, and in the said minute.

THOS. R. McINNES,

Lieutenant Governor.

AT GOVERNMENT HOUSE, VICTORIA, B.C., January 24th, 1899.

The Honourable

The Secretary of State, Ottawa, Canada.

Sir,—I have the honour to transmit herewith certified copy of a minute of my Executive Council, approved the 20th instant, embodying a Resolution of the Legislative Assembly of this Province, requesting that the Dominion Government be moved to furnish the said Assembly with the following returns:—

1. The number of Chinese landed at the various ports of this Province from

foreign ports, and the amount of head tax collected during the years 1897-98.

2. The number of Japanese landed at the various ports of this Province from foreign ports during the same period.

3. The number of Chinese and Japanese landed at the Quarantine Station at Victoria during the same period.

THOS. R. McINNES, Lieutenant Governor.

CERTIFIED COPY of a report of a committee of the Honourable the Executive Council, approved by His Honour the Lieutenant Governor on the 20th day of January, 1899.

The Committee of Council submit for the approval of His Honour the Lieutenant Governor the undermentioned Resolution of the Legislative Assembly, namely:—

That a respectful address be presented by this House to the Lieutenant Governor, praying His Honour to move the Dominion Government to furnish this House with the following returns, viz:—

1. The number of Chinese landed at the various ports of the Province from

foreign ports, and the amount of head tax collected during the years 1897-98.

2. The number of Japanese landed at the various ports of the Province from foreign ports duing the same period.

3. The number of Chinese and Japanese landed at the Quarantine Station at

Victoria during the same period.

The Committee advise that a copy of this minute, if approved be forwarded to the Honourable the Secretary of State.

A. CAMPBELL REDDIE,

Deputy Clerk, Executive Council.

1259—K.

VANCOUVER, B.C., 9th February, 1899.

His Excellency

The Governor General of Canada.

Your Excellency,—In the name of His Imperial Japanese Majesty's government I have the honour of calling Your Excellency's attention to a paragraph in the speech of his honour the Lieutenant Governor of British Columbia, delivered at the opening of the present session of the legislative assembly of that province, stating that 'For the better protection of the miners in coal mines, a Bill will be laid before you probabiling the employment underground of Japanese in these mines.' I would at the same time beg to call Your Excellency's attention to the Bill No. 43, entitled, 'An Act to amend the Coal Mines Regulations Act,' which was recently proposed, seemingly in accordance with the statement of the paragraph above cited, by the Honourable the President of the Council to the legislative assembly of that province and passed through that assembly on the 8th day of this month. And also to the various

private Bills that are before the House at present containing section which prohibit the employment of Japanese in works authorized by such Acts. I restrictfully beg to inclose herewith copies of the Bill No. 43, and also a sample of the private Bills referred to.

And urging the same objections to this legislation as I had the himour of urging against legislation of the same nature passed at the last session. I mest respectfully request that Your Excellency will give this legislation such consideration as will lead to Your Excellency's disallowance of the same.

S. SHIMIZU,

His Imperial Japanese Majesty's Consul.

BILL.

(1899.No. 43.)

An Act to amend the 'Coal Mines Regulation Act.'

Her Majesty, by and with the advice and consent of the Legislative Assembly of the province of British Columbia, enacts as follows:—

1. Section 4 of chapter 138 of the Revised Statutes of British Columbia, is hereby amended by inserting after the word 'Chinaman,' in the second line thereof, the words 'or Japanese.'

2. Section 12 of the said Act is hereby amended by inserting after the word 'Chinaman,' in the fourth line thereof, the word 'Japanese.'

BILL.

No. 11 (1899.

An Act to incorperate the 'Vancouver Northern and Yukon Railway Company.'

37. No Chinese or Japanese persons shall be employed in the construction of the

undertaking or the working of the railway.

38. The preceding two sections are hereby declared to be conditions upon which this Act is passed, and shall be binding upon bondholders and all other persons in any way interested in the said company or its property. In case either of said two preceding sections are violated, such violation shall work a forfeiture of all privileges granted by this Act, but no such forfeiture shall operate except upon proceedings instituted in the Supreme Court of British Columbia by the Attorney General.

1256—K—1260—K

(Telegram.)

Imperial Japanese Consul to Governor General.

VANCOUVER, B.C., 9th February, 1899.

In the name of the Imperial government of Japan I respectfully beg to protest against the legislation passed or now being passed at the present session of the legislature of British Columbia, aiming at the prohibition of Japanese labour underground in coal mines or in other works authorized by provincial Acts. I respectfully urge the same objections to this legislation as I had the honour of urging against legislation of same nature of last session and would request such consideration as will lead to Your Excellency's disallowance of the same. Will confirm by mail.

> S. SHIMIZU, Imperial Japanese Consul.

74b—23

12×6-K.

HIS IMPERIAL JAPANESE MAJESTY'S CONSULATE FOR CANADA,
VANCOUVER, B.C., 28th February, 1899.

To His Excellency

The Governor General of Canada.

Ottawa.

Your Excellency,—In addition to my protest recently presented against the legislation of the province of British Columbia aimed at the prohibition of Japanese labour in certain undertakings, I respectfully beg to call Your Excellency's special attention to the Bill 60, intituled 'An Act respecting Liquor Licenses,' in which Japanese subjects are included among those declared ineligible to hold liquor licenses (vide the sections 22, 23 and particularly 36 of the Bill No. 60). This bill was introduced to the House by the Honourable the Attorney General of the province and passed through it on the 25th day of this month. To this, together with other bills of a similar nature passed at the closing session, assent was given yesterday by His Honour the Lieutenant Governor of the province.

Your Excellency will observe that the discrimination in the Bill No. 60 is a decided advance upon the former measures aimed against Chinese labour, inasmuch as this bill now imposes restrictions on Japanese subjects in matters of trade also. It may also be taken I think as an indication that these anti-Japanese measures will not stop here in this province, unless the higher authorities are pleased to exercise

their power.

I, therefore, respectfully beg leave to more emphatically reiterate my request that Your Excellency will give this legislation such consideration as will lead to Your Excellency's disallowance of the same.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

S. SHIMIZU,

His Imperial Japanese Majesty's Consul.

1298-K.

Mr. Chamberlain to Lord Minto.

DOWNING STREET, 8th March, 1899.

Governor General.

de., de., de.

My Lord.—With reference to your despatch No. 1 of the 3rd January, transmitting copy of an approved minute of the Dominion Privy Council submitting a report of the Minister of Justice on the anti-Japanese legislation passed during the last session of the legislature of British Columbia, I have the honour to transmit to you, to be laid before your ministers, a copy of a further note which the Marquis of Salisbury has received from the Japanese minister at this court, calling attention to a bill passed during the present session of the same legislature, entitled, 'Coal Mines Regulations Amendment Bill.'

2. Monsieur Kato states that the object of this bill is to prohibit the employment underground of Japanese in coal mines, and he expresses the hope that Her Majesty's government may extend to this instance the policy pursued in regard to the legislation of last year.

3. Her Majesty's government will be glad if your ministers will consider the question of this bill with that of the others to which their attention has already been called.

J. CHAMBERLAIN.

JAPANESE LEGATION, 18th February, 1899.

The Most Honourable

The Marquess of Salisbury, K.G.

My Lord Marquess.—The Japanese consul at Vancouver has reported to me that the legislature of the province of British Columbia has recently passed a bill at the instance of the provincial government entitled 'Coal Mines Regulations Amendment Bill.' The details of the bill are not before me, but I understand that it has been formulated with the object of prohibiting the employment underground of Japanese in the coal mines, and thus it appears to be another instance of discrimination aimed at Japanese subjects in that province.

Several bills with a similar purport, passed by the legislature of the same province last year, have formed the subject of correspondence between Your Lordship and myself, and while my government is deeply sensible of the solicitous attention which Her Majesty's government, and at their instance the government of Canada are paying with respect to the issue of those bills. I feel compelled by this renewed action on the part of British Columbia to call the attention of Her Majesty's government once more to the subject.

The exceptions which the Imperial government have taken against the legislation of last year apply in the present case in their full scope and extent. Therefore, without reiterating the reasons which I set forth against such legislation in the letter which I had the honour to address to Your Lordship under date of August 3rd, 1898, I take the liberty of calling your attention to the fact, and requesting Her Majesty's government to extend to the present instance the same enlightened policy which they have pursued in regard to the legislation of last year, with the confident assurance that such a policy cannot fail in augmenting the neighbourly relations existing between Japan and the Dominion of Canada.

KATO.

Extract from a report of the Committe of the Privy Council, approved by the Governor General on the 13th March, 1899.

On a report dated 7th March, 1899, from the Minister of Justice, stating that he has under consideration a copy of a minute of the executive council of the province of British Columbia, dated 16th February, 1899, approving a report dated the 13th of the same month from the provincial Minister of Finance and Agriculture, with regard to certain statutes of the said province passed in the year 1898, affecting the Chinese and Japanese.

The Minister represents that these statutes are enumerated in a report of the Minister of Justice of the 8th November, 1898, approved by Your Excellency in Council on the 17th December, 1898, and the report of the provincial Minister is in reply to that portion of the report of the Minister of Justice which refers to the statutes in question.

The Minister of Justice observes—referring to The Immigration Restriction Act, 1897, of Natal, copy of which accompanied the despatch of the Right Honourable the Principal Secretary of State of the Colonies of 20th July, 1898,—that, while the provisions of that Act are well adapted to exclude paupers, diseased persons and criminals, yet the Act does contain a provision (section 3a) which would probably have the effect of excluding all Asiatics of the class which would be affected by the British Columbia statutes in question.

The minister is of the opinion, however, that before determining what course ought to be pursued by Your Excellency's government in regard to these Acts a copy of the executive minute of British Columbia, and of the report of the Provincial Minister of Finance and Agriculture should be submitted to Her Majesty's government.

The committe concurring advise that Your Excellency be moved to transmit copies of the said papers, together with a certified copy of this minute, to the Right Honourable the Principal Secretary of State for the Colonies, in order that he may submit any observations which he may deem proper for the consideration of Your Excellency's government.

The committee further submit that Mr. Chamberlain should be informed at the same time that the time for disallowance of these Acts will expire on the Sth June, 1899.

All which is respectfully submitted for Your Excellency's approval.

JOHN J. McGEE, Clerk of the Privy Council.

Copy of a Report of a Committee of the Honourable the Executive Council approved by is Honour the Lieutenant Governor on the 16th day of February, 1899.

The committee of council have had before them the accompanying report, dated 13th February, 1899, from the Minister of Finance and Agriculture, with regard to the complaint of the Japanese Minister at the Court of St. James respecting the provisions of certain Acts of the legislature of British Columbia which prohibit the employment of Japanese subjects on certain works.

The committee concur in the said report, and submit the same for your honour's

approval.

The committee advise that a copy of this minute, if approved, together with a copy of the report aforesaid, be transmitted to the Honourable the Secretary of State for the information of His Excellency the Governor General.

Certified.

A. CAMPBELL REDDIE,

Deputy Clerk, Executive Council.

To His Honour the Lieutenant Governor in Council.

The undersigned has the honour to report that he has had under consideration the communication from the government of His Excellency the Governor General to His Honour the Lieutenant Governor, inclosing copies of a minute of the Committee of the Privy Council of Canada in reference to a despatch from Her Majesty's Principal Secretary of State for the Colonies, inclosing copies of correspondence which has passed between the Foreign Office and the Japanese Minister in London and between the Foreign Office and the Colonial Office on the subject of certain statutes passed by the legislature of British Columbia in the sixty-first year of Her Majesty's reign, and which contained provisions prohibiting the employment of Chinese or Japanese persons on works carried on under franchise granted by the said legislature.

In his despatch of 20th July, 1898, to His Excellency the Governor General of Canada, Mr. Chamberlain states that 'restrictive legislation of the type of which the legislation in question appears to be is extremely repugnant to the sentiments of the people and government of Japan,' and asks His Excellency to impress on his ministers the importance, if there is any real prospect of a large influx of Japanese labourers into Canada, of dealing with it by legislation of the Dominion parliament on the lines of the Natal Act.

It may be stated that legislation on the lines of the Immigration Restriction Act, 1897, passed by the legislative council and legislative assembly of Natal, would not be within the power of the legislature of this province, but would be within the competence of the parliament of Canada, being somewhat similar to the act passed by that body imposing a capitation tax of \$50 on each Chinese person coming into the Dominion.

While the legislature of British Columbia would doubtless welcome any action by the Parliament of Canada designed to effect objects similar to those aimed at by the provisions in the statutes which are the subject of this communication from His Excellency's government, it may be suggested that the provisions embodied in the Immigration Restriction Act of Natal would not be effectual for the desired purpose, although such legislation would impose restrictions on Japanese immigration that would probably be more repugnant to the views of the government of Japan than those complained of in the legislation passed by the legislature of this province.

The undersigned would point out that the statutes passed by the legislature of this province imposing certain restrictions on the employment of Japanese in British Columbia, while, it is respectfully submitted, clearly within the power of that body, do not impose restrictions nearly as onerous or far reaching as would be the case were legislation enacted by the parliament of Canada on the lines of the Immigration Restriction Act of Natal, which appears not to be considered objectionable by Her Majesty's government. No limitation on the number of Japanese persons who may come into Canada is suggested by the statutes passed by the provincial legislature. No restriction is placed by those statutes on such persons pursuing any calling, occupation or employment—with one exception—which is not carried on under the authority of privileges or franchises conferred by the legislature of British Columbia. That exception is working in coal mines, the legislature, from the evidence placed before it, having come to the conclusion that the employment of Chinese or Japanese underground in coal mines is a source of danger.

All that is sought to be attained by the legislation in question is that Chinese or Japanese persons shall not be allowed to find employment on works, the construction of which has been authorized or made possible of accomplishment by the granting of certain privileges or franchises by the legislature.

It will, therefore, be seen that the restrictive provisions are merely in the nature of a condition in agreements or contracts between the provincial government and particular individuals or companies whereby certain privileges, franchises, concessions, and, in some cases, also subsidies and guarantees are granted to such individuals or companies in consideration of only white labour being employed in the works which are the subject matter of such agreements.

The same causes which have led the legislatures of Natal and the Australian colonies to take measures to restrict the influx of large numbers of labouring people from Asia, exist in British Columbia. They are indeed more potent here on account of the shorter distance intervening between the China and Japan and this province, as compared with that between those countries and Australasia and Natal. It may also be pointed out in this connection that the possibility of great disturbance to the economic conditions existing here, and of grave injury being caused to the working classes of this country by a large influx of labourers from Japan, was so apparent, that the government of Canada decided it was not advisable that the Diminion should participate in the revised treaty between Great Britain and Japan, whereby equal privileges were granted to the people of each nation in the country of the other.

The economic conditions in British Columbia and Japan and the standards of living of the masses of the people in the two countries, differ so widely that to grant freedom of employment to Japanese on such public works as are authorized to be carried out by Acts of the legislature would almost certainly result in all such employment being monopolized by the Japanese to the exclusion of the people of this province. Therefore, while the legislature has scrupulously abstained from any interference with the employment of Japanese by private individuals or companies, and has not sought to put any restriction on their engaging in any ordinary occupation or business, it has deemed it to be in the interests of the province to prohibit their employment on works or undertakings for which it has granted privileges or franchises. That such restrictions are not only judicious but neces-

sary has been shown by the manner in which cheap Asiatic labour has in many cases entirely supplanted white labour on works to which no such restrictions, as those referred to, were attached.

While it would be a matter of profound regret if any action of the government or legislature of this province should cause Her Majesty's government any embarrassment or impair its friendly relations with another power, it may be pointed out that there are other considerations of an Imperial character involved in this matter. It is unquestionably in the interests of the Empire that the Pacific province of the Dominion should be occupied by a large and thoroughly British population, rather than by one in which the number of aliens largely predominated and many of the distinctive features of a settled British community were lacking.

The former condition could not be secured were the masses of the people subjected to competition which would render it impossible for them to maintain a fair and reasonable standard of living.

For many years the evil effects of unrestricted Chinese immigration caused great agitation in British Columbia, and the imposition of the capitation tax of fifty dollars was the consequence. Since then greater facilities of communication with Japan and the opportunities for employment in British Columbia, arising from the development of its forest, mineral and fishing resources, have led to an influx of Japanese which has materially and injuriously interfered with white labour and has caused the legislature to pass the statutes now under consideration. There is no reason to believe that this influx of Japanese is likely to diminish. On the contrary, there are many indications that it will become larger and that Japanese labour will, if some restrictive measures be not adopted, entirely supplant white labour in many important industries and be used almost exclusively on works carried out under franchises granted by the legi-lature and which are in many cases aided by subsidies from the provincial treasury, largely with the object of opening up the province and inducing an immigration of desirable settlers.

The undersigned, therefore, recommends that a reply be made to the Government of the Dominion that His Honour's government regrets that in the interests of British Columbia and of the labouring classes among its people, it cannot see its way to introduce a measure in the legislature to repeal the provisions restricting the employment of Chinese and Japanese in the statutes referred to in the report of the Minister of Justice, approved by a minute of the Committee of the Privy Council of Canada on 17th December, 1898, and that if this recommendation be approved a copy of it should be transmitted to the Secretary of State for Canada for the information of His Excellency's government.

F. CARTER-COTTON.

Minister of Finance and Agriculture.

Dated this 13th day of February, A.D. 1899.

GOVERNMENT HOUSE.

VICTORIA, B.C., 16th February, 1899.

The Honourable the Secretary of State, Ottawa, Canada.

Sir.—Adverting to your despatch of the 24th December last, and to prior correspondence on the subject of the anti-Japanese legislation of this province, I now have the honour to transmit herewith, for the information of His Excellency in Council, a certified copy of a Minute of my Executive Council, approved this day, wherein is set forth their reasons for not seeing their way clear to repeal the said legislation.

THOS. R. McINNIS,

Lieutenant Governor.

1326-K.

DOWNING STREET, 23rd March, 1899.

GOVERNOR GENERAL,

The Right Honourable,

The Earl of Minto, G.C.M.G., &c., &c., &c.

My Lord,—I have the honour to acknowledge the receipt of your despatch No. 40, of the 27th February, forwarding copy of a letter from the Japanese Consul at Vancouver in which he calls attention to certain measures which have been introduced into the legislative assembly of British Columbia during its present session prohibiting the employment of Japanese and renewing with regard to these measures the objections which he urged against the legislation of the same nature passed by the legislature of that province last year.

2. Her Majesty's government must regret to find the government and legislature of British Columbia adopting a course which is justly regarded as offensive by a friendly power, and they hope that your ministers will be able to arrange for the cancellation of the objectionable provisions and the substitution of a measure which, while it will secure the desired exclusion of undesirable immigrants, will obtain that result by means of some such general test as that already suggested in my despatch No. 214 of the 20th July, 1898. In any case, Her Majesty's government strongly deprecate the passing of exceptional legislation affecting Japanese already in the province.

J. CHAMBERLAIN.

P. C. 1249 K.

Extract from a Report of the Committee of the Privy Council, approved by the Governor General on March 27, 1899.

The Committee of the Privy Council have had under consideration a despatch hereto annexed from His Honour the Lieutenant Governor of British Columbia, dated January 24, 1899, transmitting a copy of a Minute of Council embodying a Resolution of the Legislative Assembly of British Columbia, requesting that the Dominion Government be moved to furnish the said assembly with certain returns in respect of the number of Chinese and Japanese landed in that province from Foreign ports during the years 1897 and 1898.

The Minister of Trade and Commerce to whom the said Despatch was referred submits the following:—

Chinese landed during the calendar year ended December 31, 1897, at

Victoria-

Immigrants exempt	17
Immigrants paying Poll Tax	1,017
Total immigrants	1,034
Returning within six months	190
Total number landed	1,224
Capitatlon tax collected	\$50,850

Vancouver—

Immigrants exempt	1
Immigrants paying Poll Tax	
Total immigrants	
Returning within six months	191
In transit through Canada	3,596
Total number landed	4,748
Capitation tax collected	-

New Westminster-		
Immigrants paying Poll Tax		1
Total immigrants		
Total number landed during the year		
Capitation tax collected		
Chinese landed during the calendar year ended Dece	mber 31, 1	898, at
Victoria—		
Immigrants exempt		
Immigrants paying Poll Tax		
Total immigrants		
Returning within six months		
Total number landed		
Capitation Tax collected	* * * * * *	\$78,300
Vancouver—		
Immigrants paying Poll Tax		
Returning within six months		
In transit through Canada		
Total landed		
Capitation Tax collected		\$64,200
Nanaimo-		
Immigrants paying Poll Tax		1
Total number landed		1
Capitation tax collected		\$ 50
New Westminster—		
Immigrants paying Poll Tax.		
Total number landed		
Capitation tax collected		\$ 50
Nelson-		
Total number landed		
Capitation tax collected		\$ 50
Japanese landed during the Calendar year ended the 3	31st Decem	ber, 1897, at
Victoria-		
Total number landed		727
Vancouver-		
Total number landed		7
Japanese landed during the calendar year ended 31st	t December	r, 1898, at—
Victoria-		
Total number landed		1.878
Vancouver—		071
Total numbér landed		671
So far as figures are procurable it would appear that no during the two years:	there were	landed at q
7.9.1		8,345
1111105	v v 1 4 4 4	Chillia

As the Japanese do not come under the 'Chinese Immigration Act,' no special record has been kept showing the destination of the Japanese, whether intending to remain in Canada or intransit through the country, but the customs officers at Vanceuver state that the larger portion of them were intransit, but few remaining in the Prevince; and also that as regards Chinese immigrants landed at Vancouver, large numbers of them were ticketed to eastern Canadian points, and were sent forward immediately after registration.

The Committee advise that a certified copy of this Minute, if approved, be forwarded to the Lieutenant Governor of British Columbia for the information of the Legislative Assembly of that Province.

P. C. 1340-K.

Mr. Chamberlain to Lord Minto.

DOWNING STREET, 4th April, 1909.

My Lord,—I have the honour to acknowledge the receipt of your Despatch No. 46, of the 9th ult., covering copy of a letter from the Consul of Japan at Vancouver on the subject of the British Columbian Liquor License Act, 1899, and to refer in reply to my Despatch No. 58, of the 23rd ult., on the subject of similar legislation passed by the legislature of the province.

J. CHAMBERLAIN.

Colonial Office to the Governor General.

DOWNING STREET, 19th April, 1899.

The Governor General, &c., &c., &c.

My Lord,—I have the honour to acknowledge the receipt of your despatch No. 54 of the 16th March, forwarding copy of an approved minute of the Dominion Privy Council to which is appended an approved report of the Executive Council of British Columbia, expressing the concurrence of the government of that province in a report drawn up by the Minister of Finance and Agriculture on the subject of the Acts passed by the provincial legislature in 1898 containing provisions prohibiting the employment of Japanese on certain works.

- 2. The provincial government represent that these provisions are required by the economic condition of British Columbia and they regret their inability to introduce legislation for their repeal.
- 3. Her Majesty's government fully appreciate the motives which have induced the government and legislature of British Columbia to pass the legislation under consideration, and recognize the importance of guarding against the possibility of the white labour in the province being swamped by the wholesale immigration of persons of Asiatic origin. They desire also to acknowledge the friendly spirit in which the representations they have felt compelled to make, have been received by the government of British Columbia, and regret that after carefully considering the minute of the Executive Council they feel unable to withdraw the objections they have urged to the legislation in question.
- 4. There is no difference between Her Majesty's government and the government of British Columbia as regards the object aimed at by these laws, namely, to ensure that the Pacific province of the Dominion shall be occupied by a large and thoroughly British population rather than by one in which the number of aliens largely predominates, and many of the distinctive features of a settled British community are lacking.

5. The ground of the objection entertained by Her Majesty's government is that the method employed by the British Columbia legislature for securing this object, while admittedly only partial and ineffective, is such as to give legitimate offence to a power with which Her Majesty is, and earnestly desires to remain on friendly terms. It is not the practical exclusion of Japanese to which the government of the Mikado objects but their exclusion nominatim, which specifically stamps the whole nation as undesirable persons.

6. The exclusion of Japanese subjects either from the province or from employment on public or quasi public works in the province by the operation of an educational test, such as is embodied in the Natal Immigration Law is not a measure to which the government of Japan can take exception. If the particular test in that law is not regarded as sufficient, there is no reason why a more stringent and effective one of a similar character should not be adopted, so long as the disqualification

is not based specifically on distinction of race or colour.

7. Any attempt to restrict immigration or to impose disqualifications on such distinctions besides being offensive to friendly powers is contrary to the general principles of equality which have been the guiding principle of British rule throughout the empire; and, as your ministers are aware, Her Majesty's government were unable to allow the Immigration Restriction Laws passed by some of the Australasian colonies in 1896 to come into operation for the same reasons as they are now urging against these laws in British Columbia.

8. Her Majesty's government earnestly trust that on consideration of these explanations the government of British Columbia will at once procure the repeal of the provisions complained of and the substitution of legislation on the lines indicated above

9. If this is impossible, Her Majesty's government feel compelled, however reluctant they may be to cause inconvenience to the province, to press upon your ministers the importance in the general interests of the empire of using the powers vested in them by the British North America Act, for cancelling these measures to

which Her Majesty's government object on the grounds both of principle and policy.

J. CHAMBERLAIN.

DOWNING STREET, 29th April, 1899.

The Officer Administering

The Government of Canada.

My Lord,—I have the honour to transmit to you for communication to your ministers, with reference to your predecessor's despatch No. 185, of the 7th of July last, copy of the telegram noted below on the subject of the capitation tax on Chinese in Canada.

EDWARD WINGFIELD.

For the Secretary of State.

(G. B. 15 Victoria, 42.)

Secretary of State, Foreign Affairs, London,

Canadian government introduced Bill in parliament increasing capitation tax up n Chinese entering Canada, which would injure trade between the two nations. We have cablegraphed Chinese ambassador, London. Protest such increase. Please give favourable consideration.

CHINESE CONSULATE BENEVOLENCE ASSOCIATION.

Mr. Chamberlain to Lord Minto.

DOWNING STREET, 2nd May, 1899.

Governor General,

The Right Honourable

The Earl of Minto, G.C.M.G., &c., &c.

My Lord,—I have the honour to request that you will be good enough to inform your ministers that a note has been addressed to Her Majesty's government by the Japanese minister at this court, complaining of the 'Act respecting Liquor Licenses,' recently passed by the legislature of British Columbia, of which a copy was inclosed in your despatch No. 46 of the 9th March.

2. Her Majesty's government can hardly suppose that there is any urgency for legislation to prevent the issue of licenses to sell liquor to Japanese subjects in British Columbia, and the objections urged to the other acts of the provincial legislature which have formed the subject of recent correspondence apply with equal force to this act.

3. Her Majesty's government will, therefore, be glad if your ministers will consider this Act, together with those to which their attention has already been called.

J. CHAMBERLAIN.

Mr. Chamberlain to Lord Minto.

DOWNING STREET, 9th May, 1899.

GOVERNOR GENERAL,

The Right Honourable

The Earl of Minto, G.C.M.G., &c., &c.

My Lord.—I have the honour to acknowledge the receipt of your despatch No. 83 of the 24th ult., forwarding copy of a letter from the Department of Justice, representing the desirability of an early expression of the views of Her Majesty's government with regard to the legislation affecting Japanese subjects passed by the legislature of British Columbia in 1898.

2. In reply, I have to refer you to my despatch No. 92 of the 2nd inst.

J. CHAMBERLAIN.

DOWNING STREET, 10th May, 1899.

The Officer Administering

The Government of Canada.

My Lord,—I have the honour to transmit to you, for communication to your ministers, with reference to my despatch No. 89 of the 29th of April last, a copy of the documents noted down below respecting the rumour of a proposed increase in the amount of the capitation tax on Chinese entering British Columbia.

EDWARD WINGFIELD,

For the Secretary of State.

CHINESE LEGATION, 29th April 1899.

The Marquess of Salisbury, K.G.

My Lord Marquess,—On the 8th May, 1897, replying to a communication from my predecessor, Kung Tajen, relative to a proposed increase in the poll tax levied on Chinese subjects entering the colony of British Columbia, Your Lordship did me the honour to inform me that Her Majesty's Secretary of State for the colonies, having no official information on the subject of the proposed tax, had transmitted a

copy of Kung Tajen's note to the Governor General of Canada, with the request that His Excellency would favour him with the observations of his minister upon it, and a period of nearly two years having elapsed without my hearing anything more about the matter, I had commenced to think that the information on which the note of my predecessor was founded had been incorrect, or, if not, that the government of the Dominion had abandoned the idea of raising the tax.

I regret, however, to find that this would appear not to be the case. For I have received a telegram from the Tsungli Yamen stating that a telegram had been received from a benevolent association of Chinese residents at Victoria, B.C., acquainting the Yamen that the Canadian government had introduced a bill into parliament with the object of raising the poll tax from \$50 to \$500.

The Imperial government, by whom I have been instructed to again bring the matter to the notice of Your Lordship, hope you will be able to assure them that there is no foundation for the statement that such a bill has either been, or will be, presented to parliament; for, otherwise, they would feel themselves compelled to protest against an act of such illiberality, and inasmuch as the bill is said to affect Chinese only, against it as a violation of international comity.

Within the last twenty years, the Imperial government have repeatedly had to complain of the odious character of the legislation respecting Chinese which has found favour in some British colonies, and they would view the passage of the bill in question as an aggravation of the grievances to which Chinese emigrants to those colonies have long been exposed; and more especially would this be the case, should the crown decline to exercise its right of vetoing the offensively discriminating measure.

LOFENGLUH.

Foreign Office, 4th May, 1899.

Sir Chichen Loh Feng-Luh, K.C.V.O., &c., &c.,

SIR.—In reply to your note of the 29th ultimo, calling attention to a bill which you hear has been introduced into the Canadian parliament with the object of raising the poll tax levied on Chinese subjects in the Dominion, I have the honour to state that I have been informed by the Secretary of State for the Colonies that he has heard nothing further from the Governor General of Canada since July last, at which time it appeared that the Dominion government had no intention of increasing the tax in question.

Mr. Chamberlain will, however, at once communicate with the Earl of Minto on the subject, and I shall have the henour of addressing a further note to you in due course.

SALISBURY.

Mr. Chamberlain to Lord Minto.

LONDON, 25th May, 1899.

In my despatch No. 92 of 2nd May, further note has been received from Japanese legation urging disallowed legislation objected to before the expiration of statutery period. Hope you will be able to communicate your minister's decision soon.

CHAMBERLAIN.

From the Honourable Sir Wilfrid Laurier.

OTTAWA, 2nd June, 1899.

To the Honourable,

C. A. Semlin, Premier, Victoria, B.C.

The Federal government has only four days in which to disallow your acts relating to Japanese as urged by Imperial government which fears prejudice to Imperial relations with Japan if Act referring to Japanese is allowed to go into effect.

Have you any suggestion to make as to this legislation so far as it relates to the Japanese?

Immediate reply necessary.

WILFRID LAURIER.

From the Hon. C. A. Semlin.

VICTORIA, B.C., 3rd June, 1899.

To the Honourable, Sir Wilfrid Laurier.

Telegram received. Regret that in justice to the interests of labour in British Columbia can only refer you to minute of council of February last, copy of which you have no doubt received.

C. A. SEMLIN.

1194.

EXTRACT from a report of the Committee of the Honourable the Privy Council, approved by His Excellency on the 5th June, 1899.

The committee have had under consideration a report, hereto annexed, dated 29th May, 1899, from the Minister of Justice, referring to the minute of council approved on the 17th December, 1898, respecting the statutes of the province of British Columbia, 1898, and stating that as to chapter 39 'An Act respecting the Canadian Pacific Navigation Company, Limited," he has been informed that the provincial legislature at its last session, pursuant to the recommendation contained in the said minute of council, passed an amendment removing the grounds of objection to which the Minister of Justice called attention in his report of the 8th November, 1898, approved by the said minute, and that the Act may, therefore be left to its operation.

The minister recommends with respect to the Acts which were stated by the said report to be objectionable as affecting Japanese in British Columbia, which Acts are chapters 10, 28, 30, 44, 46, 47, 48, 50, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63 and 64, that the same be left to their operation except chapters 28 and 44, with an carnest recommendation to the provincial government based upon the reasons stated in his report of the 29th May, 1899, herewith, that at the next ensuing session of the legislature they introduce legislation in each case to repeal the clause in question.

The minister further recommends for the reasons set forth in the said report of the 29th May, 1899, that chapter 28 of the statutes of the province of British Columbia, 1898, intituled "An Act relating to the employment of Chinese or Japanese persons on works carried on under franchises granted by Private Acts," and also chapter 44 of the said statutes intituled 'The Tramway Incorporation Amendment Act, 1898," be disallowed.

The committee concur in the said report and the recommendations therein set forth and submit the same for Your Excellency's approval, and the committee

advise that a certifiel copy of this minute, if approved, together with a copy of the said report, be transmitted to the Lieutenant Governor of British Columbia for the information of his government.

JOHN J. McGEE,

Clerk of the Privy Council.

DEPARTMENT OF JUSTICE,
OTTAWA, May 29, 1899.

To His Excellency

The Governor General in Council

BRITISH COLUMBIA LEGISLATION.

The undersigned referring to his report respecting the statutes of the province of British Columbia of 1898, dated the 8th of November last, which was approved by Your Excellency in Council on 17th December, has the honour to state that as to chapter 39: 'An Act respecting the Canadian Pacific Navigation Company, Limited,' the undersigned has been informed that the provincial legislature at its last session pursuant to the recommendation of the said report, passed an amendment removing the grounds of objection to which the undersigned called attention, and that the Act may, therefore, be left to its operation.

The Acts which are stated by the said report to be objectionable as affecting Japanese in British Columbia, are chapters 10, 28, 30, 44, 46, 47, 48, 50, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63 and 64.

As to these statutes the recommendations of the said report have been carried into effect, and Your Excellency's government have communicated with Her Majesty's government and with the provincial government.

The undersigned by his report of 7th March last, which was approved by Your Excellency on the 13th March, submitted copy of the reply of the provincial government and recommended that it be transmitted to the Right Honourable the Principal Secretary of States for the colonies in order that he might submit any observations which he might deem proper for the consideration of Your Excellency's government.

There has been referred to the undersigned, copy of a despatch from Mr. Chamberlain to Your Excellency, dated 23rd March last, acknowledging the despatch of Your Excellency of the 27th February, No. 40, forwarding copy of a letter from the Japanese Consul at Vancouver in which he calls attention to certain measures which were introduced by the legislature of British Columbia during the last session prohibiting the employment of Japanese, and renewing with regard to these measures the objections which he urged against the legislation now in question. It is stated in this despatch that Her Majesty's government much regret to find the government and legislature of the province of British Columbia adopting a course which is justly regarded as offensive by a friendly power and that Her Majesty's government strongly deprecates the passing of exceptional legislation affecting Japanese already in British Columbia.

The undersigned has carefully considered the reasons stated in support of the legislation by the government of British Columbia. He observes that the statutes in question have not rendered unlawful the employment of Japanese generally, yet they have that effect so far as the companies incorporated by the provincial legislature and within the application of these statutes are concerned. Such legislation may operate to diminish Chinese and Japanese immigration into the province which as appears by the statement of the provincial government is the main object, or, if, as is to be inferred from the provincial despatch, the conditions are such as to induce employers to prefer Asiatic labour, the result might be such as to cause employers to carry on their business as individuals or partnerships rather

than as corporations under the laws of the province. The undersigned does not consider, however, that the reasons urged on behalf of the province or any other reasons which occur to him are such as to justify Your Excellency's government in approving of the legislation, in view of the strong objections urged against it by the government of Japan, which objections have been so far upheld by Her Majesty's government as the correspondence upon the subject shows. The advantages to be derived by the province of British Columbia from these enactments are in the opinion of the undersigned very doubtful and not at all corresponding in importance to the advantage which may be expected both for the province and the Dominion at large from a friendly sentiment on the part of Japan in matters of commerce and otherwise. When it is considered further that these enactments may affect not only the relations between the Dominion and Japan, but also the relations of the empire with the latter country, as Her Majesty's government seem to apprehend they may do, the duty of Your Excellency's government to provide a remedy so far as the circumstances fairly permit, becomes apparent.

It is pertinent here to remark also that the authority of a province to legislate in relation to immigration in the province is, by the British North America Act, made subordinate to the authority of parliament, and as these Acts are upheld largely as affecting immigration, the case seems to be one in which it is intended that Dominion policy should prevail.

The power of the legislature to enact these statutes is not by any means free from doubt because they principally affect the rights of aliens, and the subject of aliens is not within provincial authority. It is not, however, in view of the foregoing considerations necessary at present to determine the question of ultra vires.

The undersigned observes that chapter 28 to which the short title is given of 'The Labour Regulation Act, 1898,' is confined in its provisions to the employment. in British Columbia, of Chinese or Japanese, and chapter 44, entitled the Tramway Incorporation Amendment Act, 1898. These Acts may, therefore, be disallowed without serious inconvenience. The other statutes mentioned in the report of the undersigned, of 8th November last, are mainly concerned with the incorporation of companies, and they came into effect upwards of a year ago. In these cases or some of them doubtless companies have been organized and property acquired, debts and obligations incurred and business transacted on account of which great inconvenience, confusion and loss would result if the Acts upon which these companies depend were now disallowed. The corporations themselves and the persons who have dealt with them cannot properly be held responsible for the objectionable provision in the constituting Acts, because this section seems to have been introduced in pursuance of a policy of the government to disqualify Chinese and Japanese from employment by provincial corporations. The effect of such a provision also, being confined to a few corporations, is comparatively limited. The undersigned, therefore, considers that the justice of the case will be met by disallowing the General Act, namely chapter 28, cited as 'The Labour Regulation Act, 1898,' and also chapter 44 entitled 'The Tramway Incorporation Amendment Act, 1898;' and on account of the inconvenience, confusion and loss which would otherwise ensue, leaving the other statutes to their operation, with an earnest recommendation to the provincial government based upon the reasons stated in this report that at the next ensuing session of the legislature they introduce legislation in each case to repeal the clause in question.

The undersigned further recommends that a copy of this report, if approved, be transmitted to the Lieutenant Governor of British Columbia, for the information of his government.

Respectfully submitted,

D. MILLS,

Minister of Justice.

AT THE GOVERNMENT HOUSE AT OTTAWA.

Monday, the 5th day of June, 1899.

Present: His Excellency in Council.

Whereas the Lieutenant Governor of the province of British Columbia, with the legislative assembly of that province, did on the 20th day of May, 1898, pass an Act which has been transmitted, chaptered 28, and intituled: 'An Act relating to the employment of Chinese or Japanese persons on works carried on under Franchises granted by private Acts;'

And whereas the said Act has been laid before His Excellency the Governor General in Council, together with a report from the Minister of Justice recommend-

ing that the said Act should be disallowed;

Therefore, His Excellency, by and with the advice of the Queen's Privy Council for Canada has this day been pleased to declare his disallowance of the said Act, and the same is hereby disallowed accordingly.

Whereof the Lieutenant Governor of the province of British Columbia and all other persons whom it may concern are to take notice and govern themselves accordingly.

JOHN J. McGEE, Clerk of the Privy Council.

I, Sir Gilbert John Elliott Murray Kynnynmond, Earl of Minto, Governor General of Canada, do hereby certify that the Act passed by the legislature of the province of British Columbia on the 20th day of May, 1898, chaptered 28, and intituled: 'An Act relating to the employment of Chinese or Japanese persons on works carried on under franchises granted by private Acts,' was received by His Excellency the Governor General of Canada on the 8th day of June, 1898.

Given under my hand and seal this 5th day of June, 1899.

MINTO.

AT THE GOVERNMENT HOUSE AT OTTAWA.

Monday, the 5th day of June, 1899.

Present: His Excellency in Council.

Whereas the Lieutenant Governor of the province of British Columbia, with the legislative assembly of that province, did on the 20th day of May, 1898, pass an Act which has been transmitted, chaptered 44, and intituled: 'An Act to amend the Tramway Incorporation Act;'

And whereas the said Act has been laid before His Excellency the Governor General in Council, together with a report from the Minister of Justice, recommend-

ing that the said Act should be disallowed;

Therefore, His Excellency, by and with the advice of the Queen's Privy Council for Canada, has this day been pleased to declare his disallowance of the said Act, and the same is hereby disallowed accordingly.

Whereof the Lieutenant Governor of the province of British Columbia and all other persons whom it may concern are to take notice and govern themselves accordingly.

JOHN J. McGEE,

Clerk of the Privy Council.

I, Sir Gilbert John Elliott Murray Kynnynmond, Earl of Minto, Governor General of Canada, do hereby certify that the Act passed by the legislature of the

province of British Columbia on the 20th day of May, 1898, chaptered 44, and intituled: 'An Act to amend the Tramway Incorporation Act,' was received by His Excellency the Governor General of Canada on the 8th day of June, 1898.

Given under my hand and seal this 5th day of June, 1899.

MINTO.

Report of the Hon, the Minister of Justice, approved by His Excellency the Governor General in Council on the 14th December, 1899.

DEPARTMENT OF JUSTICE, OTTAWA, 14th November, 1899.

To His Excellency the Governor General in Council:

The undersigned has had under consideration the statutes of the legislative assembly of the province of British Columbia, passed in the sixty-second year of Her Majesty's reign, 1899, and received by the Secretary of State for Canada on 27th April, and he is of opinion that these statutes may be left to their operation without comment with the exception of the following:—

Chapter 16. 'An Act to amend "The Constitution Act.'"

Section 2 of this statute amends section 9 of chapter 47 of the revised statutes of British Columbia, 1897, by adding thereto a subsection to the effect that the section amended shall be deemed to include the power of commuting and remitting sentences for offences against the laws of the province, or offences over which the legislative authority of the province extends.

The undersigned considers that this Act may be left to its operation, but in this connection desires to call attention to the observations of Sir Oliver Mowat, when Minister of Justice, in his report of 16th October, 1896 (approved by His Excellency in Council on 13th November, 1896), upon chapter 1 of the statutes of Nova Scotia, 1896, which statute contained a provision substantially the same as that now under consideration.

Chapter 39. 'An Act respecting Liquor Licenses.'

By section 36 of this Act, it is provided that no license under this Act shall be issued or transferred to any person of the Indian, Chinese or Japanese race.

Chapter 44. 'An Act to grant a subsidy to a railway from Midway to Penticton.'

Section 6 of this chapter provides that no Chinese or Japanese person shall be employed or permitted to work in the construction or operation of any railway subsidized under this Act, under a penalty.

Chapter 46. An Act to amend 'The Coal Mines Regulation Act.'

This Act amends chapter 136 of the revised statutes of British Columbia by inserting the word 'Japanese' after the word 'Chinaman' in the fourth and twelfth sections of the Act amended.

Chapter 78. An Act to incorporate 'The Asheroft Water, Electric and Improvement Company.

Chapter 79. An Act to incorporate 'The Atlin Short Line Railway and Navigation Company.

Chapter 80. An Act to incorporate 'The Atlin Southern Railway Company.'

Chapter 81. An Act to incorporate 'The Big Bend Transportation Company, Limited.'

Chapter 83. An Act to incorporate 'The Kamloops and Atlin Railway Company.'

Chapter 84. An Act to amend 'The Kitimaat Railway Act, 1898.'

Chapter 85. An Act to amend 'The Kootenay and North-west Railway Company's Act, 1898.'

Chapter 86. An Act to amend 'The North Star and Arrow Lake Railway Act, 1898.'

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of the Act.

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Chapter 87. An Act to incorporate 'The Pine Creek Flume Company, Limited.' Chapter 88. An Act to incorporate 'The South Kootenay Railway Company.' Chapter 89. An Act to incorporate 'The Vancouver, Northern and Yukon Railway Company.'

Eeach of these statutes contain a provision in effect that Chinese or Japanese

persons shall not employed by the company.

For the reasons stated in the correspondence which took place between Your Excellency's government and the government of British Columbia with regard to the statutes of that province for the year 1898, and in the orders of Your Excellency in Council with regard to the same, the undersigned considers it undesirable that these provisions affecting Japanese should be allowed to remain in operation. In view of the action taken by Your Excellency's government with respect to the statutes of 1898, containing similar clauses, and the reasons then influencing Your Excellency's government which still hold good, the undersigned entertains the hope that upon the attention of the government of British Columbia being drawn to the matter, that government will undertake to have these statutes amended by repealing the clauses referred to which affect Japanese.

The undersigned considers that the government of British Columbia should be asked to consider the matter and state whether these statutes will be amended as desired within the time limited for disallowance. In the meantime the undersigned

withholds any further recommendation as to the statutes in question.

It may be proper to state that communications upon this subject have been received by Your Excellency's government, both from the Principal Secretary of State for the Colonies, and from His Imperial Japanese Majesty's Consul at Vancouver. Copies of these are submitted herewith, and should, in the opinion of the undersigned, be forwarded as part of the despatch which the undersigned recommends should be sent to the provincial legislature.

Chapter 43. An Act to amend 'The Master and Servant Act.'

This statute enacts that any agreement or bargain which may be made between any person, and any person not a resident of British Columbia for the performance of labour or service, having reference to the performance of labour or service by such person in the province of British Columbia, and made previous to the migration or coming into British Columbia of such other person, whose labour or service is contracted for, shall be void and of no effect as against the person only, so migrating or coming.

There is a provision exempting skilled workmen from the operation of this sec-

tion under certain circumstances.

The undersigned doubts the authority of a provincial legislature to enact a pro-

vision of this kind, because it seems directly to affect the regulations of trade.

The undersigned does not, however, on that account recommend the disallowance

Chapter 50. 'An Act to amend the Placer Mining Act.'

There has been referred to the undersigned, copy of a despatch from the British ambassador at Washington to Your Excellency, transmitting copy of a note received from the United States Secretary of State, inclosing copy of a petition to the President of the United States from the United States Citizens resident in the Atlin district of British Columbia, representing the hard-ships to their interests of the legislation contained in this statute. The British ambassador states that Mr. Hay suggests that the petition be submitted to Your Excellency's government without thereby raising any issue as to the general effect of the legislation in question. Copy of the despatch with the inclosures referred to were formally submitted by the undersigned to Your Excellency, and Your Excellency on 2nd May last was pleased to approve the recommendation of the undersigned, advising that a copy of these papers should be sent to the Lieutenant Governor of British Columbia for his observations, with a

view to further consideration of the matter by Your Excellency's government, and also that the British ambassador be informed of the course taken in the meantime. The communication so recommended was addressed to the Lieutenant Governor of British Columbia early in May last, as the undersigned is informed, but no reply has been received.

The undersigned at present recommends that the matter be called again to the attention of the Lieutenant Governor with a request for his reply at his early convenience.

The following chapters above mentioned are also subject to another objection, viz.:—

Chapter 79. 'An Act to incorporate the Atlin Short Line Railway and Navigation Company.'

Chapter 80. 'An Act to incorporate the Atlin Southern Railway Company.'

Chapter 83. 'An Act to incorporate the Kamloops and Atlin Railway Company.'

Chapter 84. 'An Act to amend the Kitimaat Railway Act, 1898.'

Chapter 85. 'An Act to amend the Kootenay and Northwest Railway Company's Act, 1898.'

Chapter 86. 'An Act to amend the North Star and Arrow Lake Railway Act, 1898.'

Chapter 88. 'An Act to incorporate the South Kootenay Railway Company.'

Chapter 89. 'An Act to incorporate the Vancouver, Northern and Yukon Railway Company.'

These are statutes incorporating railway companies, and each of them contains a provision that in case at any time the railway is declared by the parliament of Canada to be a work for the general advantage of Canada, then all powers and privileges granted by the Act of incorporation of the company or by the British Columbia Railway Act, shall thereupon cease and determine.

The undersigned apprehends that there are eases in which the parliament of Canada may properly declare a railway, otherwise subject to the exclusive authority of a province, to be for the general advantage of Canada, and that when such declaration is properly made, it is intended by the constitution that the work shall cease to be within the legislative authority of the province, and shall fall within the exclusive jurisdiction of parliament. Such being the ease it is, in the opinion of the undersigned, incompetent to a provincial legislature to provide as to what is to take place in the event of parliament exercising that constitutional authority, as the result of which the subject of legislation is withdrawn from provincial jurisdiction. These sections, though improper, are therefore harmless, and were it possible that they could have any effect, the whole matter would be within the authority of parliament, upon its declaring the work for the general advantage of Canada, so that parliament might re-enact or confirm in each case the very provisions which the legislature says are to cease and determine.

Chapter 82. 'An Act to incorporate the Chartered Commercial Company of Vancouvet.'

Some of the objects of this company, as stated in section 2, appear to relate to the subject of banking rather than to any matter within the legislative authority of the province. The undersigned observes, however, that by section 17 it is enacted that nothing in this statute contained shall authorize, or be construed to authorize, the company to engage in banking, insurance, or the construction of railways. The limitation so introduced seems to render it unnecessary for the undersigned to consider the propriety of disallowing this Act, as he would otherwise feel called upon to do.

With the exception, therefore, of the statutes above mentioned affecting Japanese, and chapter 50 to amend the Placer Mining Act, the undersigned considers that these

statutes may, for the reasons above stated, be left to their operation. As to the Acts so excepted, a further report may be necessary upon hearing from the provincial government.

The undersigned recommends that a copy of this report, if approved, be transmitted to the Lieutenant Governor of British Columbia for the information of his government, and that the Lieutenant Governor be urged to reply as speedily as possible to those portions of the report which are intended to call for a reply.

Respectfully submitted,

DAVID MILLS,

Minister of Justice.

His Honour the Lieutenant Governor of British Columbia to the Hon. the Secretary of State.

GOVERNMENT HOUSE, VICTORIA, B.C., 9th February, 1900.

Str.—I' have the honour to transmit herewith, for the information of His Excellency's government, certified copy of a minute of my Executive Council, dated the 8th instant, adopting a report from the Hon, the Attorney General of this province in regard to the minute of the Privy Council, dated the 14th December last, respecting the statutes of this province during the year 1889.

THOS. R. McINNES.

Lieutenant Governor.

Copy of a Report of the Attorney General of British Columbia, approved by His Honour the Lieutenant Governor in Council on the 8th February, 1900.

To His Honour the Lieutenant Governor in Council:

The undersigned has the honour to report that he has had under consideration the communication of the Under Secretary of State, dated the 20th December, 1899, transmitting a minute of the Privy Council, dated the 14th December, 1899, respecting the statutes passed by the legislative assembly of the province of British Columbia in the 62nd year of Her Majesty's reign.

The undersigned begs respectfully to call attention to a minute of the Executive Council of British Columbia, approved on the 14th day of February, 1899, and to urge upon the consideration of His Excellency's advisers the following extracts from the said last mentioned minute:

'All that is sought to be attained by the legislation in question is, that Chinese or Japanese persons shall not be allowed to find employment on works, the construction of which has been authorized or made possible of accomplishment, by the granting of certain privileges or franchises by the legislature.'

'It will, therefore, be seen that the restrictive provisions are merely in the nature of a condition in agreements or contracts, between the provincial government and particular individuals or companies, whereby certain privileges, franchises, concessions and in some cases also, subsidies and guarantees are granted to such individuals or companies, in consideration of only white labour being employed in the works which are the subject matter of such agreements.

'The same causes which have led the legislatures of Natal and the Australian colonies to take measures to restrict the influx of large numbers of labouring people from Asia, exist in British Columbia. They are indeed more potent here, on account of the shorter distance intervening between China and Japan and this province, as compared with that between those countries and Australia or Natal.

It may also be pointed out in this connection that the possibility of great disturbance to the economic conditions existing here, and of grave injury being caused

to the working classes of this country, by a large influx of labourers from Japan, was so apparent that the government of Canada decided it was not advisable that the Dominion should participate in the revised treaty between Great Britain and Japan, whereby equal privileges were granted to the people of each nation in the country of the other.

The economic conditions in British Columbia and Japan, and the standards of living of the masses of the people in the two countries differ so widely, that to grant freedom of employment on such public works as are authorized to be carried out by the Acts of the legislature, would almost certainly result in all such employment being monopolized by the Japanese, to the exclusion of the people of this province.

Therefore, while the legislature has scruplously abstained from any interference with the employment of Japanese by private individuals or companies, and has not sought to put any restriction on their engaging in any ordinary occupation or business, it has deemed it to be in the interests of the province to prohibit their employment on works or undertakings for which it has granted privileges or franchises.

That such restrictions are not only judicious, but necessary, has been shown by the manner in which cheap Asiatic labour has in many cases supplanted white labour on works to which no such restrictions as those referred to were attached.

'While it would be a matter of profound regret if any action of the government or legislature of this province should cause Her Majesty's government any embarrassment, or impair its friendly relations with another power, it may be pointed out that there are other considerations of an Imperial character involved in this matter.

'It is unquestionably in the interests of the Empire that the Pacific province of the Dominion should be occupied by a large and thoroughly Brtish population, rather than by one in which the number of aliens largely predominated, and many of the distinctive features of a settled British community were lacking.

'The former condition could not be secured were the masses of the people subjected to competition which would render it impossible for them to maintain a fair and reasonable standard of living.

'For many years the evil effects of unrestricted Chinese immigration caused great agitation in British Columbia, and the imposition of the capitation tax of \$50 was the consequence.

'Since then, greater facilities of communication with Japan, and the opportunities for employment in British Columbia arising from the development of its forests, mineral and fishery resources have led to an influx of Japanese which has materially and injuriously interfered with white labour, and has caused the legislature to pass the statutes now under consideration.

'There is no reason to believe that this influx of Japanese is likely to diminish. On the contrary, there are many indications that it will become larger, and that Japnese labour will, if some restrictive measures are not adopted, entirely supplant white labour in many important industries, and be used almost exclusively on works carried out under franchises granted by the legislature, and which are in many cases aided by subsidies from the provincial treasury, largely with the object of opening up the province and inducing an immigration of desirable settlers.

'The undersigned therefore recommends that a reply be made to the government of the Dominion, that His Honour's government regrets that, in the interests of British Columbia and the labouring classes among its people, it cannot see its way to introduce a measure in the legislature to repeal the provisions restricting the employment of Chinese and Japanese in the statutes referred to in the report of the Minister of Justice, approved by a minute of the Privy Council of Canada on 17th December, 1898, and that, if this recommendation be approved, a copy of it should be transmitted to the Secretary of State for Canada for the information of His Excellency's government.'

The undersigned begs respectfully to submit that the conditions of labour have in

no way changed since the report above quoted from was forwarded to His Excellency's government less than one year ago.

Since that time, the undersigned regrets to say, His Excellency's government has seen fit to disallow the 'Labour Regulation Act, 1908,' which had for its main object the protecting of this province from Oriental labour. His Excellency's governments asks this government what it is proposed to do with reference to the private legislation passed by this legislature in 1899, and it is intimated that such Acts may be disallowed if this government does not see its way to bring in a Bill excluding

Japanese from the operation of the said Acts.

Before consenting to the suggested proceeding the undersigned begs respectfully to urge upon the consideration of His Excellency's government the grave risk of exciting discontent in the province, and political friction between the two governments, should this government bring in such legislation without some assurance from His Excellency's government that it will as soon as possible after the opening of the Dominion House of Commons, introduce legislation increasing the capitation tax upon Chinese to \$500, and that His Excellency's government should also introduce a Bill on the lines of the Natal Act imposing an educational test upon immigrants.

The feeling in this province is so strong against the immigration of labouring classes from the Orient, that this government is convinced that powerful influences will be brought to bear to induce this government to request the legislature to re-enact

the 'Labour Regulation Act' above referred to.

The undersigned begs respectfully to submit that such a course might not unreasonably be the means of precipitating an acrimonious discussion between His Excellency's government and the government of this province, which in all probability, would be extremely embarrassing to both.

The undersigned would also urge upon the consideration of His Excellency's government, the Private Acts containing the clause respecting Japanese, to which objection has been taken, and the disallowance of which Acts would seriously injure

those in whose interests the legislation was passed.

These parties were all obliged to incur considerable expense before the completion of the legislation, and some of them have expended large sums of money upon the

strength of the Bills having passed the legislature.

His Excellencys government will, therefore, readily realize that in some, if not in all the cases alluded to, great hardship would be inflicted by the disallowance of the Acts referred to in the minute of the Privy Council, dated 14th December, 1899, to which allusion has already been made.

The undersigned, in conclusion, begs respectfully to urge upon His Excellency's government the extreme ugency of the present position, and to request that a reply may be communicated to Your Honour by telegraph.

Dated this 6th day of February, A.D., 1900.

ALEXANDER HENDERSON.

Attorney General.

P. C. 73 L.

(Telegram).

VANCOUVER, February 13, 1900.

Your Excellency's attention is respectfully called to the fact that the bill entitled 'An Act to amend the Tramway Incorporation Act,' and various private bills containing sections that prohibit Japanese from certain employments are introduced in the Legislature of British Columbia. Also 'An Act to amend the Coal Mines Regulations Act,' which aims at exclusion of Oriental labour. Urging the same objections'

to these bills as I have before urged, may I respectfully request Your Excellency's best consideration?. Am mailing.

S. SHIMIZU,

Imperial Japanese Consul.

The Honourable

the Secretary of State, Ottawa, Canada.

GOVERNMENT HOUSE, VICTORIA, B.C., February 15, 1900.

SIR.—I have the honour to transmit herewith, for the consideration of His Excellency's Government, certified copy of a Minute of my Executive Council, dated the 14th instant, which embodies a resolution of the Legislative Assembly of this province, now in session, expressive of the opinion of that body that the admission of Mongolians to the rights of citizenship would not conduce to the interests of this ccuntry, and requests the amendment of the Naturalization Act with a view to prevent any native of Asia from becoming a British subject in Canada.

THOS. R. McINNES,

Lieutenant Governor.

PROVINCE OF BRITISH COLUMBIA.

Copy of a Report of a Committee of the Honourable the Executive Council, approved by His Honour the Lieutenant Governor on the 14th day of February, 1900.

The Committee of Council submit for the approval of His Honour the Lieutenant Governor the undermentioned resolution of the Legislative Assembly, namely:

'That whereas, under the provisions of the Naturalization Act, many Chinese and Japanese have become British subjects:

'And whereas it is highly detrimental to the best interests of the country that the franchise and other rights and privileges attached to British citizenship should be conferred upon Mongolians or any native race of Asia:

Be it therefore resolved. That this House views with alarm the admission of Mongolians to the rights of citizenship, and that the Dominion Government be requested so to change the naturalization laws that it will be impossible for any Mongolians or person belonging to any othero of the native races of Asia, to become a

The Committee advise that a copy of this Minute, if approved, be forwarded to British subject.

the Honourable the Secretary of State.

Dated this 12th day of February, 1900.

A. CAMPBELL REDDIE,

Deputy Clerk, Executive Council.

Japanese Consul for Canada to Lord Minton

Vancouver, B.C., 15th February, 1900.

Your Excellency,—In the name of His Imperial Japanese Majesty's government, i have the honour of calling your attention to the fact that in the legislative assembly of British Columbia are introduced a Bill entitled 'An Act to amend the Tramway Incorporation Act' and various private Bills, all of which contain sections prohibiting the employment of Japanese in works authorized by such Acts. As will be observed in the copy herewith inclosed the wording of the Bill first named is exactly the same as that of the Act bearing the same name that was disallowed by Your Excellency's government on 5th June last year.

In another Bill entitled 'An Act to amend the Coal Mines Regulation Act,' introduced by Hon, the President of the Council, Your Excellency will observe that an educational test has seemingly been set up in the section three of the Bill for any person to be employed underground in coal mines. But it is openly declared on the floor by the honourable member of the provincial government that 'there was no use disguising the fact that the Bill aimed at the exclusion of one certain class—the Orientals,' the last word evidently including Japanese. It is clearly elucidated by some members (especially Mr. A. E. McPhillips and Colonel Baker) that the proposer of the Bill intended to do indirectly what was vetoed directly by the highest court of appeal. Your Excellency will see full account of the debate on this Bill in the copies of the press herewith inclosed. Two sample copies of the Private Bills are also inclosed.

And, urging the same objections to those Bills as I had the honour of urging against legislation of the same nature passed at the last session. I most respectfully request you to extend to the present instance the same enlightened and vigorous policy that was pursued in regard to the legislation of late years, and that if those Bills should be passed here, Your Excellency will give that legislation such consideration as will lead to the disallowance of the same.

I avail myself of this occasion to renew to Your Excellency the assurance of my highest consideration.

S. SHIMIZU,

His Imperial Japanese Majesty's Consul.

† Enclosures.

Copy of the Bill No. 15.

Copy of the Bill No. 14.

* Sample copies of private Bills.

Vancouver World, 1st and 2nd February.

Vancouver News Advertiser, 2nd and 3rd February.

Victoria Colonist, 13th and 14th February.

Report of the Hon, the Minister of Justice, approved by His Excellency the Governor General in Council on the 24th April, 1900.

DEPARTMENT OF JUSTICE, OTTAWA, April 12, 1900.

To His Excellency the Governor General in Council:

The undersigned referring to his report of 14th November, 1899, approved by Your Excellency on 14th December, 1899, upon the statutes of the legislative assembly of the province of British Columbia, passed in the year 1899, has the honour to state that in the said report he called attention to the following statute as affecting Japanese or their rights to employment in British Columbia, viz.:—

Chapter 39. 'An Act respecting Liquor Licenses.'

Chapter 44. An Act to grant a subsidy to a railway from Midway to Penticton.'

Chapter 46. 'An Act to amend the Coal Mines Regulation Act.'

Chapter 78. 'An Act to incorporate the Asheroft Water, Electric and Improvement Company.'

Chapter 79. 'An Act to incorporate the Atlin Short Line Railway and Navigation Company.'

Chapter 80. 'An Act to incorporate the Atlin Southern Railway Company.'

Chapter 81. 'An Act to incorporate the Big Bend Transportation Company, Limited.'

Chapter 83. 'An Act to incorporate the Kamloops and Atlin Railway Company.' Chapter 84. 'An Act to amend the Kitimaat Railway Act, 1898.'

Chapter 85. 'An Act to amend the Kootenay and North-west Railway Company's Act; 1898.'

Chapter 86. 'An Act to amend the North Star and Arrow Lake Railway Act, 1898.'

Chapter 87. 'An Act to incorporate the Pine Creek Flume Company, Limited.'

Chapter 88. 'An Act to incorporate the South Kootenay Railway Company,' and Chapter 89. 'An Act to incorporate the Vancouver, Northern and Yukon Railway Company.'

The undersigned, for reasons stated or referred to in the said report, considered it undesirable that the provisions affecting Japanese contained in these Acts should remain in operation, and has recommended that the British Columbia government should be asked to consider and state whether these clauses would be repealed within the time limited for disallowance. A copy of this report as approved, was duly transmitted to the Lieutenant Governor of British Columbia, but no assurance has been received that any amendment will be made to any of these statutes. The legislature has also been dissolved, and as the time for disallowance will expire within a few days it becomes necessary for Your Excellency to take further action, unless these enactments are to remain.

As in the case of the legislation of British Columbia for the year 1898, which was found objectionable upon the same ground, there are two classes of statutes now in question.

Chapter 39. 'An Act respecting Liquor Licenses.'

Chapter 44. 'An Act to grant a subsidy to a railway from Midway to Penticton,' and

Chapter 46. 'An Act to amend the Coal Mines Regulation Act,' are Acts of more or less general operation, not dealing specially with private interests, and may be disallowed without inconvenience. The other statutes above mentioned, however, are Acts of incorporation of private companies, or Acts in amendment of such incorporating Acts. The section affecting Japanese has apparently been introduced into these Acts not at the instance of the companies, but in pursuance of the policy of the provincial government, and in these circumstances the undersigned considers it would be unjust and perhaps productive of great hardship, if the charters of these companies or the Acts upon which their powers depend, were disallowed. The reasons which on a previous occasion operated to save the private Acts from disallowance, may similarly again avail. The undersigned reaches this conclusion the more readily because he is of opinion that the provisions in question are ultra vires of the provincial legislature, as affecting aliens.

Inasmuch, however, as certain statutes of British Columbia were disallowed in 1899 on account of provisions, attempting to render illegal the employment of Jananese, and as certain other statutes will, if this report be approved, soon be disallowed for the same reason, the undersigned considers that by the time of another session of the legislature it will be safe to hold that the views of Her Majesty's government and of this government with regard to anti-Japanese legislation, are generally and sufficiently understood in British Columbia, and, therefore, it may well be considered, in case of this objectionable section appearing in future Acts of incorporation or Acts affecting private companies, that these companies' Acts ought not to have exceptional treatment. The applicants may be held to have obtained the legislation at their own risk, and persons dealing with corporations incorporated by charters attempting to impose disabilities upon aliens may also be held to have acted with notice of the views entertained by Your Excellency's government, and of the action which would probably be taken with respect to such measures.

For these reasons, and the reasons stated in previous correspondence and reports, the undersigned recommends the disallowance of the said chapters 39, 44 and 46, and that the other chapters above mentioned be left to their operation.

The undersigned in the same report referred to chapter 50, 'An Act to amend the Placer Mining Act.'

That Act has also been the subject of a special report of the undersigned, dated

12th January, 1900, approved by Your Excellency on 10th February.

By the last mentioned report the undersigned set out the reasons on account of which he considered that the statute was ultra vires, and ought to be disallowed. This report, in pursuance of the recommendation of the undersigned, has been communicated to the provincial authorities, and there has just been referred to the undersigned a despatch of the Lieutenant Governor of British Columbia, dated 7th instant, transmitting copy of an approved minute of the Executive Council of the province, dated 6th instant, adopting the report of the Provincial Attorney General upon the communication of Your Excellency's government. The Attorney General states in his report that he differs from the view of the undersigned as to the authority of the legislature to pass the statute in question, both so far as aliens are concerned and as to incorporated companies. He states, however, that at the recent session of the legislative assembly it was practically the unanimous opinion of the members that it was advisable to repeal the Placer Mining Amendment Act, 1899, that the present government of the province has announced as part of its policy an intention to introduce a measure to repeal the said statute, and that it is altogether probable that the statute will be repealed, no matter who may constitute the government when the next session of the legislative assembly takes place. The Attorney General suggests, however, the expediency of allowing the statute to remain in force to afford an opportunity for a legal question to be submitted to the court, and he concludes by stating that it is quite impossible for the government to give any assurance that the Act will be repealed in time to obviate the necessity of the question of disallowance being decided by the Dominion government.

As the Act is in the opinion of the undersigned clearly in excess of provincial authority and ought not to remain in operation, and as the reply of the government of British Columbia cannot be regarded as a satisfactory assurance that the Act will be repealed, the undersigned considers that, for the reasons stated above and in his previous report, the said chapter 50 ought to be disallowed, and he recommends accordingly.

The undersigned further recommends that a copy of this report, if approved, be transmitted to the Lieutenant Governor of British Columbia, for the information of his government.

Respectfully submitted,

DAVID MILLS,
Minister of Justice.

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AT THE GOVERNMENT HOUSE AT OTTAWA,

Tuesday, the 24th day of April, 1900.

PRESENTS

His Excellency the Governor General in Council.

Whereas the Lieutenant Governor of the province of British Columbia with the legislative assembly of the said province of British Columbia did on the 27th day of February, 1899, pass certain statutes which have been transmitted, numbered chapter No. 39, intituled 'An Act respecting Liquor Licenses,' chapter No. 44, intituled 'An Act to grant a subsidy to a railway from Midway to Penticton,' chapter No. 46, intituled 'An Act to amend the Coal Mines Regulation Act,' and on the 18th day of January, 1899, chapter No. 50, intituled 'An Act to amend the Placer Mining Act.'

And whereas the said statutes have been laid before His Excellency the Governor General in Council, together with a report from the Minister of Justice recommending

that the same be disallowed.

Now, therefore, His Excellency, by and with the advice of the Queen's Privy Council for Canada has this day been pleased to declare his disallowance of the said statutes and the same are hereby disallowed accordingly.

Whereof the Lieutenant Governor of the province of British Columbia and all other persons whom it may concern are to take notice and govern themselves accordingly.

JOHN J. McGEE.

Clerk of the Privy Council.

I, Sir Gilbert John Elliot Murray Kynnymond, Earl of Minto, Governor General of Canada, do hereby certify that the statutes passed by the legislative assembly of the province of British Columbia and assented to by the Lieutenant Governor of the said province of British Columbia on 27th February, 1899, numbered chapter 39, intituled 'An Act respecting Liquor Licenses,' chapter No. 44, intituled 'An Act to grant a subsidy to a railway from Midway to Pentieton,' chapter No. 46, intituled 'An Act to amend the Coal Mines Regulation Act,' and on the 18th January, 1899, chapter No. 50, intituled 'An Act to amend the Placer Mining Act,' were received by me on the 27th of April, 1899.

Given under my hand and seal this 24th day of April, 1900.

MINTO.

The Under Secretary of State to His Honour the Lieutenant Governor of British Columbia.

DEPARTMENT OF SECRETARY OF STATE, OTTAWA, 25th April, 1900.

Sir.—I have the honour to acquaint you that on the 24th of April, 1900. His Excellency the Governor General was pleased, by and with the advice of the Queen's Privy Council for Canada, to declare his disallowance of chapters thirty-nine, forty-four and forty-six of the session of the British Columbia legislature of 1890, intituled respectively: 'An Act respecting Liquor Licenses,' 'An Act to grant a subsidy to a railway from Midway to Penticton,' and An Act to amend the Coal Mines Regulation Act,' which Acts were assented to by you on the 27th day of February, 1899. I have further the honour to inform you that His Excellency the Governor General, by and with the advice of the Queen's Privy Council for Canada, has been pleased to declare his disallowance of chapter fifty of the same session of your legislature, intituled 'An Act to amend the Placer Mining Act,' which Act was assented to by Your Honour on the 18th January, 1899. The Order in Council declaring the disallowance of these Acts is herewith enclosed, together with Lord Minto's certificate as to the date of their receipt by him.

JOSEPH POPE.

Under Secretary of State.

P.C. 1703 and 1704, 1900.

To His Excellency the Right Honourable Sir Gilbert John Elliot, Earl of Minto. and Viscount Melgund of Melgund, County of Forfar, in the Peerage of the United Kingdom, Baron Minto, County of Roxburg, in the Peerage of Great Britain, Baronet of Nova Scotia, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, etc., etc., Governor General of Canada, in Council.

The Petition of the undersigned, being residents of the Province of British Columbia,

HUMBLY SHEWETH:

That various enactments of the Province of British Columbia for the purposes of limiting or preventing the immigration of the Mongolian races into this pro-

vince, and the employment of them upon public and other works therein have been disallowed.

And that whilst your petitioners in no way question the power of disallowance, they venture to believe that a fuller knowledge of the present conditions of Mongolian immigration into this province, and its effect upon our labouring class, will seriously modify your views;

Wherefore, be it known that between the 1st day of January, 1900, and the 30th day of April, 1900, inclusive, four thousand six hundred and sixty-nine (4,669) Japanese landed in Victoria and Vancouver; and that during the same period thirteen hundred and twenty-five (1,325) Chinese landed in Victoria, making a total of nearly six thousand within the short space of four months; the result of which is that this province is flooded with an undesirable class of people, non-assimilative, and most detrimental to the wage-earning classes of our people, and also a menace to health;

That your petitioners are not unmindful of Imperial interests, and express feelings of the greatest loyalty to all Imperial intrests, whilst respectfully calling attention to this serious inroad upon the welfare of the people of this province;

Wherefore, your petitioners humbly pray that Your Exce'lency may be pleased to sanction the passing of an Act inhibiting the imigration of the above-mentioned class of people to Canada.

And as in duty bound, your petitioners will ever pray.

H. GIBSON, A. ROSS,

J. BARBER,

W. FULLERTON,

H. CALLOW,

H. TAYLOR,

And 2,161 others.

P. C. 358 L.

(Canada—No. 186.)

Mr. Chamberlain to Lord Minto:

The Secretary of State presents his compliments to the Officer administering the Government of Canada, and has the honour to transmit to him for the information of His Ministers, with reference to previous correspondence, the papers described in the subjoined schedule respecting Japanese emigration to Canada.

DOWNING STREET,

July, 1900.

Date. Description of Document.

1900. Copy of letters from the Foreign Office with enclosures.

June 30.

The Under Secretary of State,

Colonial Office.

Foreign Office, June 30, 1900.

Sir,—I am directed by the Secretary of State for Foreign Affairs to transmit to you, to be laid before the Secretary of State for the Colonies, the accompanying copy of a despatch, as marked in the margin, concerning Japanese Emigration to Canada.

FRANCIS BERTIE.

No. 60.

The Marquess of Salisbury, K.G., &c., &c., &c.

Токю, Мау 19, 1900.

My Lord,—I have the honour to report that repeated notices have appeared in the local press relative to the rapidly increasing and apparently excessive emigration of Japanese labourers to the Pacific Coast of the United States and Canada; and it has been stated that the Japanese Consul at Vancouver has reported to his Government that from the 1st to the 26th ultimo, 4,500 Japanese emigrants had arrived there, a large number of whom were unable to find employment and were in an indigent condition.

In consequence of these reports the Imperial Japanese Foreign Office have issued instructions to the local authorities in Japan, translation of which I have the honour to enclose, limiting the number of emigration permits which may be issued in each

Prefecture during any one month.

In this connection I have the honour to inclose copies of an article in the Japan Times' of this day's date, giving the substance of an interview with Mr. David Glass, of British Columbia on the subject of Japanese immigration in Canada and commenting thereon.

I have, &c.,

J. B. WHITEHEAD.

(Translation).

The instructions issued by the Foreign Office to the Local Governors with regard to the restriction of Emigration to Canada.

The instructions dated May 17, 1900, after referring to previous instructions on the subject, to the extraordinary number of Japanese emigrants who have recently found their way to Canada, and to the renewal of the agitation in consequence against Japanese labourers, proceed: 'It has now become urgently necessary to reduce still further the number limit, and accordingly until instructions on the subject are in due course issued these fresh instructions are given and in future you shall limit the number of emigrants to Canada who pass through the hands of emigration agents to not more than five a month for each emigration agent in all the localities throughout the country. And the number of emigrants who do not pass through the hands of the emigration agents shall as hitherto be fixed at not more than five a month for each prefecture and no more shall receive travelling permits.

'Permission may be granted to as many as fell short of the limit number in the four winter months during the remaining months of the next year, a proper proportion for each month, but under such circumstances the number of emigrants dealt

with by emigration agents shall not exceed ten a month.'

P. C. 398 L.

HIS IMPERIAL JAPANESE MAJESTY'S CONSULATE.

VANCOUVER, B.C., August 7, 1900.

To the Rt. Hon. Sir Wilfrid Laurier, Prime Minister, Ottawa, Ont.

Fig.—I have the honour to confirm my telegram despatched you this morning to the effect that I have received a cablegram from my government stating that it has

entirely forbidden, for the present, the emigration from Japan to Canada and also to the United States.

The reason for the steps taken by my government is obvious. While an exceedingly cordial feeling of friendship has existed between our imperial government and your Dominion government, an anti-Japanese movement has been at work for years past in the province of British Columbia.

It has been supposed here sometimes that Japan has been trying to throw a part of her ever increasing population out across the Pacific, in spite of the opposition of some people here. But this action of my government will prove such a supposition absolutely baseless.

As to those Japanese immigrants already here I have no doubt but that your government will see that they are treated in every way on the equal footing accorded to people of any civilized country.

S. SHIMIZU.

His Imperial Japanese Majesty's Consul.

397 L.

THE GOVERNMENT OF THE PROVINCE OF BRITISH COLUMBIA.

Lt.-Governor's Office, Victoria, B.C., 16th of August, 1900.

The Honourable Secretary of State, Ottawa.

Sir,—I have the honour to forward, herewith, a certified copy of an approved minute of the 14th inst., embodying a resolution passed by the Legislative Assembly of British Columbia, setting forth the opinion of that body as regards the effective mode of dealing with the question of restricting Mongolian immigration in Canada.

HENRY G. JOLY DE LOTBINIERE.

Lieut.-Governor.

Copy of a Report of a Committee of the Honourable the Executive Council, approved by His Honour the Lieutenant Governor on the 14th day of August, 1900.

The Committee of Council submit for the approval of His Honour the Lieutenant Governor the undermentioned resolution of the Legislative Assembly, namely:—

Resolved, 'Whereas resolutions have been passed by this House from time to time requesting the Dominion Government to increase the poll tax on Chinese immigrants into Canada;

'And whereas the Dominion has passed an Act known as the 'Chinese Immigration Act, 1900," increasing the poll tax from the sum of \$50 to \$100;

'Be it resolved, that, in the opinion of this House the said Act is ineffective and inadequate to prevent Chinese immigration into Canada;

Be it further resolved that an humble address be presented to His Honour the Lieutenant Governor requesting him to respectfully urge upon the Dominion government that the effective mode of dealing with the question of restricting Mongolian immigration into Canada would be either increasing the amount of the per capita tax to the sum of \$500, or by the passing of an Act based on the lines of the Natal Act known as the Immigration Restriction Act, 1897.

The Committee advise that a copy of this minute, if approved, be forwarded to the Honourable the Secretary of State.

Dated this 13th day of August, 1900.

J. D.,
(Name undecipherable)
Clerk Executive Council.

Telegram.

414 L.

Imperial Japanese Consul to Lord Minto.

Vancouver, B.C., 1st September, 1900.

Your Excellency's attention is respectively called to the Acts respecting, first, liquor licenses; second, Vancouver Incorporation amendment; third, labour regulation; fourth, immigration, all of which passed legislature of British Columbia and assent just given by Lieutenant Governor of that province, the two bills last named, directed mainly against Japanese, while the rest affect interests of Japanese residents more or less injuriously. In the name of Imperial Japanese government may I respectfully request Your Excellency's best consideration in the matter. Am writing.

S. SHIMIZU,

Imperial Japanese Consul.

426 L.

Imperial Japanese Consul, Vancouver, B.C., to Governor General.

Vancouver, B.C., 1st September, 1900.

Your Excellency,—In the name of His Imperial Japanese Majesty's government, I have the honour of calling your attention to the following bills that were passed by the legislative assembly of British Columbia, and to which assent was given yesterday by His Honour the Lieutenant Governor of the province, namely:—

(1.) Bill No. 42, an Act relating to the employment on works carried on under

franchises granted by private Acts.

The provisions embodied in the section 4 of this Bill will wholly deprive those Japanese residents in this province, who are unable to read in any language of Europe, of the opportunity of employment on works specified in the section. It will be readily seen that the regulation is not intended as an educational test, first, because an exception is made to be exempt from the reading test for certain class, as provided in the section 3, and secondly, because the Japanese language is not admitted for the test, in spite of the fact that the Japanese may be educated to the highest degree in their own tongue.

Nor is it a test of the vernacular language of this province, because other European languages than the English are admitted for the test. But judging from the debates on the floor, as reported in the press, this Bill is obviously and solely directed against Asiatics, including Japanese. Some clippings from the local press containing reports of the debates on this Bill are herewith inclosed for your information.

(2.) Bill No. 46, An Act to regulate immigration into British Columbia.

It is scarcely necessary to point out that the object of this Bill is to prohibit immigration of Japanese into this province, as Chinese are made to be exempted from the application of this Act.

My objections as stated in the foregoing paragraph will apply to this instance with even stronger force. Should this Bill come into force, not merely immigration of labourers, but movement of Japanese merchants and travellers will also be injuri-

ously interfered with.

Your Excellency is no doubt aware that the Imperial government which I have the honour to represent, entirely forbade emigration of Japanese labourers into Canada for the present. And it will continue to do so as long as it is deemed advisable. Under the circumstances, I fail to see the reason why the government of this province should pass such a legislation.

Some clippings from the local press containing reports of the debates on this Bill are also inclosed.

May I trust that this Bill will be disallowed before it shall come into force on the 1st day of January next?

(3.) Bill No. 19, An Act to revise and consolidate the Vancouver Incorporation Act.

The section 7 of this Bill deprives the Japanese residents in the city of Van-couver of the franchise of voting in any municipal election.

For your information I may state that there are many Japanese residents in this city, merchants of good standing, missionaries, myself and others, who would thus be deprived of the privilege at present enjoyed.

This enactment, therefore, cannot but be considered as an unfriendly action. In addition I beg to remind you that the annual municipal election of the city is to be held in January.

(4.) Bill No. 5, An Act respecting liquor licenses.

In section 2 of this Bill 'Mongolians' are excluded from the expressions householder' and 'inhabitant.' The consequences of these provisions will be seen inthe sections 22, 25 and 44 of the Bill. The Hon. the Attorney General of the province, who introduced the Bill, and by whose motion the word 'Mongolians' was substituted for the original words 'Chinese and Japanese,' has seemingly evaded to answer my inquiry, officially made in writing, as to whether the word in question is meant to include Japanese. But some of his collegues in the cabinet answered me in the affirmative in his presence. Here I beg to add that, though I was informed by the proper authority of the provincial government that this Bill, together with the others passed, received assent of the Lientenant Governor of the province, it does not appear in the lists of Acts, to which assent was given, that is published in the Provincial Parliamentary paper. Now, urging the same objections to these Bills as I had the honour of urging against legislation of similar nature passed at the late sessions, I would most respectfully request Your Excellency to extend to the present instance the same enlightened and vigorous policy, that was pursued by your government, in regard to the legislation of late years, and to give that legislation such consideration as will lead to the prompt disallowance of the same.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

S. SHIMIZU.

His Imperial Japanese Majesty's Consul.

431 L.

Imperial Japanese Consul to Lord Minto.

HIS IMPERIAL JAPANESE MAJESTY'S CONSULATE FOR CANADA, . .

Vancouver, B.C., 5th September, 1900.

Your Excellency.—With reference to my representation, dated the 1st instant, in regard to certain legislation of British Columbia, I have the honour to inform you that yesterday I have received an answer from the Attorney General of the province, regarding certain word of the Liquor License Act, copy of which is herewith inclosed. I beg also to state that I have found that to that Act, assent was given by the Lieutenant Governor on 10th August last.

S. SHIMIZU.

His Imperial Japanese Majesty's Consul.

Victoria, B.C., 4th September, 1900.

S. Simmizu, Japanese Consul, Vancouver.

I must beg most respectfully to decline to express an opinion regarding the intention that resulted in introduction of word 'Mongolians' into Liquor License Λct , 1900, or as to construction to be placed thereon.

D. M. EBERTS,
Attorney General.

P. C. 2187.

CERTIFIED Copy of a Report of the Committee of the Privy Council, approved by His Excellency the Governor General on the 21st September, 1900.

On a memorandum dated September 3, 1900, from the Secretary of State, submitting that he has had under consideration the many representations made by the legislature and people of British Columbia on the subject of Chinese and Japanese immigration into that province to some of which he desires to call particular attention.

The Minister observes that at a recent sitting of the Legislative Assembly of the province, a resolution was adopted declaring that the Chinese Immigration Act passed at the last session of the parliament of Canada, increasing the capitation tax from \$50 to \$100 is ineffective and inadequate to prevent Chinese ammigration into Canada, and expressing the opinion that the only effective mode of dealing with the question of restricting Mongolian immigration into Canada would be by either increasing the amount of per capita tax to the sum of \$500, or by the passing of an Act based on the lines of the Natal Act known as the Immigration Restriction Act of 1897.

That in the month of May last (1900) two numerously signed petitions from the residents of British Columbia to His Excellency the Governor General in Council, were received representing that between January 1 and April 1 of the present year (1900) 4,669 Japanese landed in Victoria and Vancouver, and that during the same period 1,325 Chinese landed in Victoria, making a total of nearly 6,000 within the short space of four months, and alleging that the result is 'that the province is flooded with an undesirable class of people non-assimilative and most detrimental to the wage-carning classes of the people of the province, and that this extensive immigration of crientals is also a menace to the health of the community.'

That the petitioners assert that they are not unmindful of Imperial interests, and while expressing feelings of the greatest loyalty to those interests, they respectfully call attention to what they term a serious inroad upon the welfare of the people of the province and they ask that an Act be passed inhibiting the immigration of the above mentioned classes of people to Canada.

That it has also been alleged in other communications on the subject that there was probability of a greater disturbance to the economic conditions existing in the province and of grave injury being caused to the working classes by the large influx of labourers from China and Japan, as the standards of living of the masses of the people in those countries differ so widely from the standards prevailing in the province, thus enabling them to work for a much less wage.

That it is also urged that it is in the interest of the Empire that the Pacific Province of the Dominion should be occupied by a large and thoroughly British population rather than by one in which the number of aliens would form a large proportion.

The Minister also desires to call attention to the many acts passed by the Legislative Assembly of the province declaring that Chinese or Japanese persons shall not be allowed to find employment on works, the construction of which has been author-74b—41

ized or made possible of accomplishment by certain privileges or franchises granted by the Legislature, which Acts have been disallowed by reason of the discrimination including Japanese.

The minister submits that owing to these representations made by t'e legislature and the people of British Columbia, the Right Honourable the Premier during the last session of Parliament of Canada, when introducing the Bill authorizing the increase in the capitation tax on Chinese coming into the Dominion from \$50 to \$100, announced that the government had come to the conclusion that it would be wise at the present time to follow the course adopted by the government of Canada in the year 1884, and have the complaints and statements referred to, investigated, the inquiry to include the question as to whether the Japanese should be treated as the Chinese were, and whether or not they present the same objectionable characteristics as were alleged against the Chinese, and that a royal commission would be appointed to investigate and examine into the whole question, making a full report so that the views of the people of British Columbia might be placed before the Imperial authorities.

The Minister therefore recommends that a thorough and full investigation be made, under a royal commission, into the foregoing statements and representations, and that Roger C. Clute, of Toronto, Ralph Smith, of Vancouver, and Daniel J. Munn, of New Westminster, be appointed commissioners for the purpose of such investigation, and that pursuant to the provisions of Chapter 114, Revised Statutes of Canada, entitled 'An Act respecting inquiries concerning public matters,' they as such commissioners be given the full power of summoning witnesses and requiring them to give evidence on oath or on solemn affirmation, and to produce such documents and papers as they may deem requisite.

The Minister further recommends that reasonable advance be made to the commissioners to cover living and travelling expenses, that F. J. Dean, of Kamloops, be appointed secretary to the Commission, and that for the purpose of taking such evidence they be authorized to employ a stenographer to take down the evidence, whose remuneration shall be fixed by the commissioners.

The committee submit the foregoing for Your Excellency's approval.

JOHN J. McGEE,

Clerk of the Privy Council.

496 L.

The Right Hon. Jos. Chamberlain to His Excellency the Governor General.

Downing Street, October 5, 1900.

My Lord,—With reference to my despatch, No. 186 of 5th July, and to previous correspondence as to the position of Japanese subjects in British Columbia, I have the honour to transmit you, for communication to your ministers, copies of a despatch from Her Majesty's Charge d'Affaires at Tokio and of a note from the Japanese Minister at this court on the subject.

2. Your ministers will observe that the Japanese minister protests against certain Acts discriminating unfavourably against Japanese subjects which have recently been passed by the legislature of British Columbia, and I have no doubt that this protest will receive the attentive consideration of your government.

3. The action of the Japanese government in prohibiting the emigration of Japanese subjects to British Columbia, in view of the state of local feeling there, appears to Her Majesty's government to show their desire to deal with this question in a friendly spirit, and to obviate as far as possible the need for such.

4. I shall be glad to be furnished with copies of the Acts referred to in the Japanese minister's note, and of any similar provincial legislation passed since 1898, and any observations which your ministers may wish to offer on them.

J. CHAMBERLAIN.

Mr. J. B. Whitehead to the Most Hon. the Marquess of Salisbury.

Tokio, August 12, 1900.

My Lord,—Having noticed in the local newspapers a statement to the effect that in view of a racial prejudice against the entry of Japanese labourers into the United States and British Columbia, the Japanese Foreign Office had on the 2nd instant ordered the Governors of the provinces to prohibit emigration to those two countries, I took an opportunity of asking Viscount Aoki whether this were the case.

His Excellency confirmed the report and said that he had issued this prohibition because, although the action of the Dominion government had been most friendly in the matter, he had become convinced that popular feeling in British Columbia was so strongly against Japanese emigration that it would be a wise precaution, in order to avoid disagreeable incidents, to suspend emigration to that colony for a time.

J. B. WHITEHEAD.

The Japanese Ambassador to the Most Hon. the Marquess of Salisbury.

Japanese Legation, September 18, 1900.

My Lord Marquess.—The Japanese Consul at Vancouver has reported to my government that the legislative assembly of British Columbia had recently passed four Bills which provide discriminating treatment against Japanese subjects. On the 31st of August last the Bills in question have received the approval of the Lieutenant Governor of British Columbia, and they are now waiting the assent of the Governor General of Canada.

The Bills referred to are, first, the Liquor License Act, by which the Japanese undergo the discriminating treatment under the name of Mongolians, second, the Immigration Regulation Act, and the Labour Regulation Acts, in both of which the knowledge of the European language is made a necessary qualification of the immigrants and of the labourers; and third, the Amended Vancouver Incorporation Act, which exclude Japanese from enjoyment of various franchises.

Although the details of the Bills are not before me, the Consul's reports are enough to show that they were all formulated with the object of depriving Japanese emigrants from every facility and enjoyment of equal treatment. The Japanese Consul at Vancouver from the time when the Bills were first presented in the legislative assembly, has not failed to lodge the protest against the legislation so unfair towards the Japanese. His efforts, however, have not been successful and the Bills are now about to become laws.

The Imperial government being deeply sensible of the solicitous attention paid by Her Majesty's government, confidently believe that the legislation so unfriendly to Japan would not be sanctioned by the Governor General of Canada. And yet this renewed action on the part of British Columbia compels my government to instruct me to approach Your Lordship in a friendly spirit, with the view of asking Her Majesty's government to extend their enlightened policy, constantly shown by them towards Japan, to the present instance by inducing the Governor General of Canada to refrain from giving his assent to the Bills in question. Arguments against these unfair legislations have repeatedly been communicated to Your Lordship by my predecessor Mr. Kato on similar occasions. Therefore I do not here reiterate the reasons which may be said against those Bills, the Bills that only tend, it is feared to impair the friendly relations now happily existing between Great Britain and Japan.

I have now the honour to ask Your Lordship's good offices so that Her Majesty's government will exercise their influence in order that the aforesaid Bills may not be allowed to take effect of laws.

HAYASHI.

P. C. 397 L.

Extract from a Report of the Committee of the Privy Council, approved by the Governor General on the 9th October, 1900.

The Committee of the Privy Council have had under consideration a despatch, hereto attached, dated 16th August, 1900, from the Lieutenant Governor of British Columbia, forwarding a copy of a minute of His Executive Council approved on the 14th August, 1900, submitting a resolution of the Legislative Assembly of British

Columbia, upon the subject of Chinese immigration into Canada.

The Minister of Trade and Commerce to whom the matter was referred submits that the oft-repeated demands of the British Columbia Legislature for more restrictive measures had due consideration during the recent session of parliament when a new Chinese Immigration Bill was introduced and was fully discussed. The prevailing opinion of the majority of the members of the House of Commons and of the Senate was not in favour of approving of the restrictions demanded by the British Columbia Legislature, but the matter having had full discussion, it was deemed sufficient for the time being at least, to increase the poll-tax on Chinese from \$50 to \$100, such increase to take effect from the 1st January, 1901; and inasmuch as it was stated on the floor of the House that a Commission would be appointed to inquire into the matter, he the Minister does not deem it expedient to recommend any departure from the law as it now exists and is provided for from the 1st of January, 1901, until it is shown, after investigation, by report of such Commission that it is in the interests of the Dominion at large that further restrictions should be imposed.

The Committee on the recommendation of the Minister of Trade and Commerce, advise that, a certified copy of this minute be forwarded to the Lieutenant Governor

of British Columbia, for the information of his government.

All which is respectfully submitted for Your Excellency's approval.

P. C. 431 L.

CERTIFIED copy of a Report of the Committee of the Privy Council, approved by His Excellency the Governor General on the 9th October, 1900.

The Committee of the Privy Council have had under consideration copies of the following despatches from His Imperial Majesty's Japanese consul, viz.:—

- (1) Despatch, dated the 15th February, 1900, referring to an Act passed by the British Columbia Legislature No. 59, intituled 'An Act to amend the Tramway Incorporations Act.'
- (2) Despatch, dated 1st September, 1900, calling attention to four Acts: (1) Liquor License, (2) Vancouver Incorporation Amendment, (3) Labour Regulations, and (4) Immigration.
- (3) Despatch, dated 1st September, 1900, calling attention to Acts Nos. 5, 19, 42, and 16.
- (4) Despatch, dated 5th September, 1900, calling attention to his despatch of 1st September, 1900, which referred to Acts Nos. 5, 19, 42, and 46, and enclosing copy of a communication, dated 4th September, 1900, received by him from the Attorney General of British Columbia.

The Committee on the recommendation of the Minister of Justice to whom the despatches in question were referred advise that copies of the same, which are hereto attached, be transmitted to the Lieutenant Governor of British Columbia for the report of his government upon the objections urged by the Japanese consul to the legislation in question.

All of which is respectfully submitted for Your Excellency's approval.

P. C. 2457.

THE GOVERNMENT OF THE PROVINCE OF BRITISH COLUMBIA.

Premier's Office, Victoria, (October, 1900.)

Rt. Hon. Sir Willerid Laurier.

Prime Minister,

Ottawa, Canada.

Dear Sir Wilfrid.—There are several matters affecting the mutual interests of the province of British Columbia and the Dominion of Canada concerning which the government is anxious that I should make representations to you and I am very desirous on my own account as well that you should have an opportunity of carefully considering the views of my colleagues and myself concerning them, which, I may say, are shared by a large majority of the people of British Columbia. The matters in question have for some time past been under discussion in the legislature, on the public platform and in the press, and I have no doubt that on account of the increasing interest felt in the east in the affairs of this western country they have already been brought under your notice. I propose going to Ottawa at an early date hoping to have the pleasure of a personal interview, and an intimation from you as to a favourable time to see you would be appreciated.

In the first place, you will have observed by the various expressions of opinion, and, particularly from the attitude of the legislative assembly, that there is a strong and growing feeling regarding the immigration of Mongolians. In the opinion of the government the time has fully arrived when some decisive steps should be taken by the authorities having complete and effective jurisdiction to permanently end the state of affairs complained of.

The question is not without its difficulties, I admit; but the continued unrestricted immigration of Chinese and Japanese cannot but result in the agitation now on foot being persisted in and growing into undesirable prominence. From the representations made by the Japanese Consul to this government it would appear that His Majesty's Imperial government has decided to prohibit the emigration of Japanese or rather to greatly restrict it. It depends, of course, on how far the proposed restriction goes as to whether it will be satisfactory or not. It may appear to you unreasonable that the people of British Columbia should desire to limit the privileges of a nation which has friendly treaty relations with Great Britain; but there are local considerations as well as imperial interests which must be taken into account. Owing to the geographical relation of British Columbia to the continent of Asia this province is the landing place for Oriental immigration to the Pacific coast and consequently the competition to which the labouring classes here are exposed is keenly felt in a way that cannot be appreciated in other parts of Canada. This applies to Japanese and Chinese alike.

I am not at all clear as to whether the powers of the province can constitutionally be applied to effect a remedy, but during the recent session of the legislature several earnest efforts were made to encompass the ends in view—with what success will appear when the legislation comes before your government for review. What I feel particularly is this, that an unquestionable remedy lies with the Dominion authorities, and having promised the House that we would use our utmost influence with your government, and through the Dominion government with the Imperial authorities, to bring about a settlement, I cannot too strongly urge upon your attention the great desirability of dealing effectively with our representations. The theory upon which the rights of other nations are based is undoubtedly a strong argument against enacting the restrictive measures which we are so desirous of seeing enforced; but it is a condition, not a theory, with which we have to contend. Other things being equal

we could not complain. If the people against whom we desire a measure of protection were in their standard of living on a par with our own the competition of Japanese and Chinese would be a legitimate one, but I need not point out to you what has been contended so often and with so much force against an indiscriminate and unrestricted immigration of Mongolians, that, without lowering the general standard of living necessary to meet the decrease in wages, it is not possible for white labour to exist in the face of a system that has grown up under conditions entirely foreign to Anglo-Saxon communities, wholly inapplicable in this country and out of harmony with our institutions. I am not prepared to say that there are not at the present time and that probably for a little time to come there will not be some avocations in which the Chinese and Japanese may be employed with actual benefit to the whole community. I believe there are. These, however, are limited, and even respecting these it is desireable to change the conditions as soon as possible. The introduction of machinery will in time in all probability afford very largely a substitute for such labour, and, in any event, if the employment of Mongolians in a limited way may be justified it certainly is very undesirable that any increase in the demand for their services should take place or that their employment should not be reduced to an absolute minimum.

A good deal has been said about public sentiment being educated to discourage the employment of Mongolian labour wherever possible, and while that may be commendable in itself it will fail in practice to meet the case; because in large industries, more particularly, the temptation to obtain the cheapest form of labour and to utilize it whenever and wherever available will undoubtedly exist.

In my opinion, the only satisfactory way to deal with the whole subject is by the increase of the per capita tax in such a measure as to surely limit the number of immigration and by the enactment of legislation similar to the Natal Act to regulate their employment while in the country. It is true that the Dominion government has increased the tax from \$50 to \$100 per head, but as you will have already ascertained the concensus of opinion, so far as this province is concerned, is that it fails to meet the requirements. Sentiment throughout British Columbia is absolutely opposed to any temporizing with the question. The opposition of the Imperial authorities must not be allowed to stand in the way of the interests of this, an integral and most loyal part of the Empire, and if sufficient remedies have been permitted to be exercised in the other colonies they cannot consistently be refused to Canada, our case being all the stronger from the fact that by our direct geographical relation as a highway oftraffic to the Orient we are particularly exposed to the evils of such immigration.

We look to the Dominion to afford us relief, and while I am absolutely opposed to an unconstitutional exercise of remedies by the province, by the very nature of things, if they are denied to us by the proper authorities, we shall have a continuance of undesirable agitation and hasty and ill-advised legislation. It will, furthermore, create an irritation prejudicial to the harmony which hitherto has always characterized our relations with the Dominion, and which is so necessary in giving full effect to the objects of Confederation.

I am sending as an appendix to this letter copies of the resolutions which have been passed during the recent session of the legislature, together with copies of the Acts relating to immigration and the regulation of labour. I also append a list of the resolutions and references which appear in our journals and sessional papers

since Confederation, from which you will see that it has always been a live question in the minds of the people, and that as time has gone on the expressions of public sentiment have become more pronounced and frequent. This government desires to see the question finally and satisfactorily disposed of, and I can see no reason why

it should not be taken hold of now as well as at some future time.

If the government of Japan intends to adhere to the policy it has announced, it will possibly dispose of the matter as far as Japanese are concerned, but we want some definite assurance on that point. I am aware that the difficulties with respect to the Japanese are greater than with respect to the Chinese on account of the difference in the status of the two nations; but the conditions of competition being identical the problem, as far as we are concerned, is the same in both cases.

While on this subject I wish to call your attention to the frauds that have been perpetrated in connection with the naturalization of Japanese. This would seem to suggest some necessary amendments to the Naturalization Act in order to prevent the recurrence of such abuses in the future. The evasions of the Act which are taking place are of the most scandalous nature, and I have no doubt that after the subject has been thoroughly investigated, you will have further representations from

the honourable the Attorney General.

In this connection als o Idesire on behalf of the government to bring again to the attention of your government the apportionment of the revenues arising out of the operation of the Chinese Immigration Act. While only one-quarter of the revenue so derived is returned to the Provincial Treasury practically this province has to suffer the whole of the evils arising from such immigration. What we beg to propose and believe to be our right is that the moneys remaining over after the expenses of administering the Act are met should be paid to this government. The right of the province to the present apportionment is, I understand, based upon the material effects of Chinese immigration in the province and is regarded as a compensation for resultant local evils. If the principle of any apportionment at all is a right and just one then the claims of the province to the whole of the revenue is equally obvious. I think that is so clear as not to admit of argument. The numbers of Chinese who find their way to Eastern Canada are small and the effect on the labour market in consideration of the largeness of the total population is in the aggregate so insignificant as not to be appreciable. On the other hand our population is so comparatively limited that any influx of Chinese is felt in a correspondingly increased ratio.

JAMES DUNSMUIR.

Premier.

STRATFORD, October 17, 1900.

APPENDIX to letter to Sir Wilfrid Laurier from Hon. James Dunsmuir. Premier of British Columbia, re Chinese and Japanese Immigration.

A. References in the Sessional Papers re Chinese and Japanese immigration, &c., from 1880 up to the present time.

B. References in the journals of the Legislative Assembly in British Columbia to Chinese and Japanese question from 1872 up to the present time.

C. Session of 1900:

1. Extract from Speech from the Throne.

2. Resolution moved by Messrs. Tatlow and Garden.

- 3. Resolution by Messrs. Helmcken and Smith and amendment thereto by Messrs McInnes and Smith Curtis.
- 4. Question by Mr. Kidd re Japanese fishermen.

5. Question by Mr. Tatlow re Japanese immigration.

- 6. Telegram from Japanese Consul re Japanese immigration.
- 7. Vote on Mr. Helmeken's resolution re sub-letting contracts, and amendments by Messrs. McInnes and McPhillips.

8. Vote on Mr. Tatlow's resolution, and amendment thereto.

9. Resolution by Messrs. Hayward and Helmcken re naturalization of Chinese and Japanese.

10. Resolution by Messrs. Garden and Tatlow re Natal Act.

- 11. Vote on Mr. McInnes' Bill relating to labour.
- 12. Extract from Lieutenant-Governor's Speech, close of Session.
- 13. Copy of Bill by Mr. McInnes relating to Labour, withdrawn.
- 14. Copy of Bill by Mr. McInnes relating to Labour, given six months' hoist.
- 15. Copy of Act passed to regulate immigration into British Columbia.
- 16. Copy of an Act passed to regulate labour on works carried under franchise granted under private Acts.

A. -Sessional Papers.

1880.—Petition from the Anti-Chinese Association, Victoria, signed by Noah Shakespeare, president, asking for protection from the provincial government against the Chinese, and calling the attention of the Dominion government to the great influx of Chinese owing to their employment on the Canadian Pacific Railway, and praying that they should not be employed upon public works of any kind within the province. Page 406.

1883.—Provincial Secretary's report to the Executive on the subject of Chinese immigration, quoting the resolution of 1878 passed by the Legislative Assembly. Page 345.

1884.—Return of papers relating to the Chinese question printed for the information of the Select Committee on Chinese Immigration, containing a review of the resolutions passed by the Legislature and the representations made by the government to the Dominion authorities up to that time. Page 229.

1885.—Report of the Hon. Wm. Smythe's visit to Ottawa, one of the objects of which was the recognition of the right of the province to legislate against the Chinese or secure the substitution of effective legislation by the Dominion. Page 1.

1886.—Destitute conditions of Chinese in which it is pointed out that large numbers of Chinese have been thrown out of employment by the completion of the Canadian Pacific Railway and are in a starving condition, the province having protested against their immigration and employment looks to the Dominion to provide for them. Page 347.

Acts to prevent the Immigration of Chinese passed in 1884 and 1885, return of papers in connection with the same and report of the Minister of Justice on the disallowance of such Acts. Page 349.

Chinese Regulation Act, 1884, return of papers in connection with the collection of revenues under the same and enforcement of the Act. Page 355.

1890.—Petition against employment of Chinese on public works of the province, against employment of Chinese on contracts for public works, or where a grant of money or land is given in aid of any works, and asking the government to use their influence with the Dominion to have a similar clause inserted in all contracts made by them in this province. Page 391.

Petition against the employment of Chinese in the coal mines as a measure in the interests of safety and pointing out the immunity from accidents in the coal mines during the period that no Chinese were employed. Page 393.

1892. Petitions to exclude Japanese and Chinese being employed in coal mines; one from Nanaimo, Wellington and Comox signed by about 3,000 persons, and another from Vancouver signed by 700 members of the local trade unions. Pages 465 and 475.

Chinese Immigration Act, report of the Executive Council approved March 3, 1891, praying the Dominion Government to increase the restrictive character of the Chinese Immigration Act of Canada. Page 627.

1894.—Copy of report of the Executive Council approved March 29, 1893, conveying copy of resolution passed by the Legislative Assembly praying that the Dominion Government might increase the per capita tax on Chinese immigration to

\$100, and increase the amount of the revenues returnable to the province; and reply of the Dominion Government stating the undesirability of increasing the tax owing to trade relations with China. Page 1003.

1897.—Report from Minister of Trade and Commerce, Ottawa, respecting the desirability of increasing capitation tax on Chinese and submitting that British Columbia is entitled to three-fourths of such revenue, in reply to a resolution of the Legislative Assembly respecting the same. The Minute states that similar representations have been received from British Columbia, and declines to consider the request. Page 949.

Naturalization of Chinese and Japanese, papers relating to the proposal embodied in a resolution of the Legislative Assembly asking that a residence of ten years be required for naturalization and the reply of the Minister of Trade and Commerce to the effect that the suggestion is not practicable considering the relations and treaties existing between the British government and those of China and Japan. Page 1,277.

1898.—Chinese and Japanese labour in metalliferous mines, return to an order of the House for copies of all correspondence relative to such employment. Page 769.

1899—Chinese and Japanese immigration, papers respecting the number of Chinese and Japanese landed in the province during the years 1897-98. Page 1383.

Chinese per capita tax, papers respecting the proposed increase of the per capitatax on Chinese immigrants; report of the Privy Council approved May 15,, 1899, with reference to a resolution passed by the Legislative Assembly requesting the per capitatax to be increased to \$500 being adverse to any interference, with the, Chinese Immigration Act as it stands. Page 1385.

B. -JOURNALS.

February 26, 1872.—Motion to tax Chinamen \$50 per head per annum lost, yeas 7, nays 15. Page 15.

February 28.—Motion to prohibit Chinese labour on provincial and federal works lost, yeas 5, nays 17. Page 16.

January 12, 1873-74.—Motion to impose per capita tax on Chinese residents negatived. Page 18.

May 9, 1876.—Committee of the Whole for the purpose of considering expediency ci taking steps towards preventing immigration of Mongolian population, report adopted by House. Page 46.

July 31, 1878.—Resolution passed by Legislative Assembly against employment of Chinese on public works and favouring insertion of clause in all contracts to that effect. Page 82.

February 19, 1879.—Select Committee appointed to report on the best means of dealing with the Chinese population and preventing further immigration. Page 20,

March 28.—Report of Select Committee recommending address to Dominion government asking that measures be adopted to effectually prevent further immigration of Chinese. Page 47.

April 7.—Draft of address to Dominion government by Select Committee signed by Geo. A. Walkem, Chairman, (now Mr. Justice Walkem) in which representations to the Dominion government are very strong. Page 55.

April 19, 1880.—Petition from Anti-Chinese Association. Page 17.

April 21.—Resolution passed urging Dominion government to pass an Act similar in principle to the Queensland Act. Page 20.

April 22nd.—Resolution passed requesting the Dominion government to empower the province of British Columbia to pass an Act intituled 'The Chinese Tax Act,' copy of which is included in resolution. Page 21.

Feb. 28, 1882.—Resolution passed requesting the Dominion government to induce contractors on the Canadian Pacific Lailway to employ white labour only. Page 10.

Report of the Executive Council approved March 9, uring on the Dominion gov-

ernment the desirability of giving effect to the foregoing resolution. Page 11.

Reply from the Dominion government and further representations from the Executive Council of the province. (See pages 232, 233, Sessional Papers, 1884.)

January 26, 1883.—Order in council re influx of Chinese. (See Sessional Papers,

1884, p. 5.)

February 18, 1884.—Royal Assent to Act Regulating Chinese Immigration.

Page 77.

December 7, 1883.—Committee of the Whole to consider best means to prevent Chinese immigration; reported that Select Committee be appointed to draft an Act to restrict the immigration of Chinese. Report adopted. Page 12.

January, 21.—Reported. Acts to regulate the Chinese population and to prevent their immigration; with address to the Governor General on the subject; report

adopted. Pages 37 and 38.

Question by Mr. Duck as to what had been done by the government re carrying out the view of the House on Chinese immigration, with reply of government. Page 18.

February 25, 1885.—Resolution regarding disallowance of Act regulating and preventing immigration of Chinese and making further representations to the Dominion government in favour of restrictive legislation. Page 46.

March 9.—Royal Assent to another Bill preventing Chinese immigration. Page

72.

February 9.—Resolution re disallowance of an Act to prevent immigration of Chinese and representations to the House of Commons on the Chinese question praying for enactment of laws to prohibit further immigration. Page 30.

February 23.—Report of Select Committee on Chinese question. Page 43.

February 17, 1886.—Amendment to the Chinese Regulation Act, 1884; Bill introduced. Page 26.

February 25.—Bill withdrawn, being out of order. Page 36.

March 11.—Select Committee appointed to prepare a clause to be inserted in all private Bills regulating employment of Chinese in conection therewith. Page 47.

March 17.—Report of Select Committee received. Page 52.

February 26.—Motion to insert clause in all private Bills withdrawn. Page 37.

March 1.—Motion negatived to reduce tax for mining licenses and also to prevent Chinese from cutting hemlock timber on Crown lands. Page 38.

February 1.—Order for return of licenses granted under Chinese Regulation Act.

1984. number of arrests and convictions, &c. Page 11.

February 1.—Resolution requesting papers to be brought down referring to an Act to Prevent Immigration of Chinese, 1884 and 1885. Page 11.

February 5.—Return re Chinese destitution. Page 13. (See Sessional Papers.)

February 8.—Return of papers ordered by the House re Acts to prevent immigration of Chinese, 1884 and 1885. Page 15. See Sessional Papers, 1886.)

February S. Papers referring to Chinese Regulation Act, 1884. Page 15. (See Sessional Papers, 1886.)

February 19.—Return of revenue under Chinese Regulation Act. Page 30.

March 22, 1887, ct seq.—Divisions on motion to add Chinese clause to certain Bills, negatived. Pages 60, 63, 64, 82 and 86.

March 18, 1890.—Petition re Chinese labour on public contracts. Page 67.

March 19.—Petition from miners of Nanaimo, Wellington and Comox against Chinese working underground in collieries. Both jetitions ordered printed. Page 69. February 5, 1891, et seq.—Motions to insert sections providing against employ-

ment of Chinese on work undertaken in pursuance of private Bills negatived. Pages

23 to 26, 64, 69 to 71, 88 to 90, 138.

February 19.—Resolution favouring reference of the powers of the House to pass Acts containing clauses prohibiting the employment of Chinese to the Supreme Court of the province, and long amendment thereto. Both motion and amendment were withdrawn. Pages 40-41.

January 22.—Resolution in favour of Chinese clause in all private Bills; debate

adjourned. Page 7.

February 24.—Resolution in favour of increasing the per capita tax from \$50 to \$200 and amendment. Motion as amended carried. Page 50.

February 25.—Amendment not to include Japanese under same restriction as Chinese carried, 16 to 14. Page 53.

February 27.—Resolution re Chinese immigration asking that it should be made more restrictive passed, 18 to 10. Page 56.

March 28, 1892, et seq.—Insertion of Chinese restriction clause in private Bills negatived. Pages 77, 95, 138 and 146.

April 1.—Resolution re increased restriction Chinese immigration, previous question moved and carried, 14 to 13. Pages 85 and 86.

February 17.—Petition from 2,689 miners of Nanaimo, Wellington and Comox against Chinese and Japanese working underground ordered printed. Pages 18 and 21.

February 19.—Petition from Alberni district re Chinese and Japanese. Page 24. February 22.—Petition re Chinese and Japanese. Page 24.

March 3.—Petition from Vancouver Trades and Labour Council re Chinese and Japanese working underground. Page 37.

March 9.—Resolution passed for return of correspondence, &c., re resolution of last session asking that the Chinese Immigration Act of Canada be made more restrictive in its provisions. Page 46.

March 16.—Presentation of papers ordered by the House respecting the foregoing resolution Page 62.

February 17, 1893.—Resolution re Chinese Immigration Act requesting the Dominion government to make it more restrictive in certain ways carried 15 to 14. Pages 26 to 27.

March 20.—Resolution adopted requesting the Dominion government to increase the per capita tax to \$100 and to give this province 75 per cent of the said tax. Pages 77-91.

February 23.—Mr. Keith's Bill to amend the Coal Mines Regulation Act, 1888, and the Coal Mines Amendment Act, 1890, was negatived by 16 to 12. Page 35.

January 29, 1894.—Resolution re amendment of the Municipal Act to enable corporations to tax persons or companies employing Chinamen \$50 per year for each Chinamen, ruled out of order. Page 15.

January 25.—Resolution adopted praying the Dominion government to increase the per capita tax to \$100 and expressing the opinion that three-fourths of all moneys received should be paid to the province. Page 10.

February 8.—Resolution passed praying for copies of all correspondence re Resolution of 1893 praying the Dominion government to increase the per capita tax to \$100, &c., Page 31.

February 15.—Copies of above referred to papers presented to the House. Page 41.

December 22, (1894) 1895.—Resolution praying that the per capita tax be increased to \$100 and that three-fourths of all moneys received in British Columbia should be paid to the province. Page 55.

January 24.—Resolution adopted in favour of the government taking steps against Chinese holding liquor licenses. Page 88.

February 8.—Section introduced to amend 'An Act to Further Amend Act 44 Victoria. Chapter 19' against employment of Chinese or Japanese, negatived, 17 to 10. Page 114.

February 12, 1896.—Question as to steps to test the constitutionality of the section of the Coal Mines Regulation Act prohibiting the employment of Chinese underground. Page 37.

February 15, 1897.—Resolution adopted urging the desirability of increasing the per capita tax to \$100 and that three-fourths of all moneys received should be paid to British Columbia. Pages 12 and 34.

April 20.—Return of pages re increase of capitation grant. Page 120.

April 26.—Return asked for as to number of Chinamen who are tenants of the Crown. Page 131.

April 26.—Inquiry as to steps taken to prevent employment of Chinese in the mines of the Union Colliery Company. Page 131.

April 30.—Resolution urging on Dominion government the necessity of Chinese and Japanese residing ten years before becoming naturalized. Page 141.

March 18.—Government asked as to what action it would take with reference to a Bill from the recent decision of the Supreme Court re Coal Mines Regulation Act. Page 64.

April 28.—Resolution requesting the Dominion government re treaty with Japan to make such stipulations as will prevent unrestricted immigration of Japanese in Canada. Page 136.

April 6, 1898.—Coal Mines Regulation Act read a second time, 17 to 19. Page 107.

February 28.—Return of correspondence re employment of Chinese or Japanese in metalliferous mines in the province. Page 32.

February 7, 1899.—Acts to amend the Coal Mines Regulation Act, second reading page 43. Third reading page 46.

February 2.—Resolution re employment of Chinese and Japanese making representations to the Dominion government, withdrawn. Page 38.

January 18.—Return of copies of all correspondence between the Dominion and Provincial governments with reference to the legislation against Japanese. Page 20.

February 24.—Return showing number of Chinese and Japanese that have become naturalized British subjects in British Columbia. Page 95.

Jan. 11.—Question as to communications received by the Provincial government from the Dominion government relative to a protest by the Emperor of Japan against the Labour Regulations Act, 1898. Page 11.

Jan. 11.—Resolution adopted to memorialize the Dominion government to increase the per capita tax on Chinese and to urge the claims of the province to three-fourths of the revenue. Page 10.

Jan. 16.—Resolution requesting the Dominion government to furnish information regarding the number of Chinese and Japanese landed during 1897-1898. Page 16.

Feb. 25.—Long resolution adopted requesting the Dominion government to increase the per capita tax on Chinese to \$500. Page 99.

January 25.—Order of the House for return showing number of Chinese and Japanese naturalized since 1890. Page 27.

February 20.—Return ordered showing number of Chinese and Japanese naturalized in British Columbia to the present time. Page 65.

February 14.—Debate on resolution asking for copies of reply sent by the province to the Dominion government relative to the suggestion that the Labour Regulation Act, 1898, be repealed, adjourned. Page 53.

February 16.—Resolution carried. Page 58.

February 16.—Resolution re enforcing the sanitary regulations re Chinese. Page 57.

January 8, 1900.—Return ordered of all correspondence, &c., between the Dominion and Provincial governments relative to the disallowance of the Labour Regulation Act, 1898.

January 18.—Return of correspondence between Dominion and Provincial Governments relative to the disallowance of the Labour Regulation Act, 1898.

February 1.—Amendment to an Act to Amend the Coal Mines Regulation Act. Debate on same defeated by 18 to 17.

February 2.—Bill introduced to regulate the length of hair that may be worn by employees in metalliferous and other mines.

February 9.—Resolution against admission of Mongolians to the rights of citizenship, and memorlizing the Dominion government to change the naturalization laws to that effect. After several amendments motion carried 28 to 2.

February 12.—Adjourned debate on the Coal Mines Regulation Act.

The Hon. J. Dunsmuir,

Premier, British Columbia, Victoria, B.C.

My dear Mr. Dunsmur,—I beg to acknowledge the receipt of your very important letter. The character of the questions submitted for the consideration of the Dominion Government is such, that it would be far preferable to have them discussed verbally, rather than in writing.

I am most happy indeed to have the expression of your intention to visit Ottawa at an early day. I would especially ask you to come as soon as possible after the elections are over. It would take fully a week, if not more, to go over the ground covered by your letter. In order to have some satisfactory results, if you would kindly let me know the date that I should expect you. I would make my arrangements accordingly, as I propose to take a short trip either in November or December.

Until I have had the pleasure of a personal interview with you, I will refrain from any observation with reference to the subjects mentioned in your letter. In the meantime, let me assure you that I will endeavour to meet your wishes in the most friendly spirit, though I can see some very serious difficulty in successfully handling some of the subjects to which you refer.

WILFRID LAURIER.

536 L.

From the Japanese Consulate for Canada at British Columbia, to Lord Minto.

VANCOUVER, B.C., 3rd January, 1901.

Your Excellency.—With reference to my representations dated the 1st September last, in regard to certain legislation of British Columbia. I have the honour trinform Your Excellency that by the government of British Columbia regulations to carry out the provisions of the Immigration Act, 1900, referred to in my previous representation, have been promulgated and immigration officers appointed. I begate to inclose herewith some elippings from a local newspaper containing copy of the regulations referred to, and would respectfully suggest that the sooner proper steps be taken by your government on this matter, the better it would be for all concrued.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest considerations.

S. SHIMIZU.

His Imperial Japanese Majestu's Consul.

IT AIMS AT ASIATICS.

Persons who cannot write in European characters must not come to British Columbia.—Transportation companies may fight.

Angus McAllister, of Vancouver, and W. H. Ellis, of Victoria, are immigration officers, appointed to see to the carrying out of the provision's of Mr. Tatlow's British Columbia Immigration Act, 1900. The province is divided into two districts, Island and Mainland. The pivotal section of this Act is as follows:—

The immigration into British Columbia of any person who, when asked to do so by the officers appointed under this Act, shall fail himself to write out and sign in the characters of some language of Europe, an application to the Provincial Secretary of the province of British Columbia, to the effect and form set out in section B of this Act annexed, shall be unlawful.

Section B is as follows:-

PROVINCE OF BRITISH COLUMBIA.

SIR,—

I claim to be exempt from the operation of the British Columbia Immigration Act, 1900. My name is

My place of abode for the past twelve months has been

My business calling is

I was born at in the year

Yours, &c.,

There are certain exceptions to the rule, such as persons having certificates from the Provincial Secretary. Agent General or officer appointed for the purpose of the Act any person specially exempted by the Provinical Secretary: Her Majesty's land and sea forces; officers and crew of any ship of war of any government; any person duly accredited to British Columbia under the authority of the Imperial, Dominion or any other government; any person the terms of whose entry into Canada have been fixed, or whose exclusion from Canada has been ordered by any Act of the parliament of Canada.

The Act, of course, is aimed at Chinese and Japanese. It may be contested by the transportation companies. If so, the preliminary bout will come soon, as two Northern pacific liners are due this week and an *Empress* next, week.

The regulations promulgated by the government follow:

REGULATIONS.

For the better carrying out of the provisions of the British Columbia Immigration Act, 1900.

For the purposes of the British Columbia Immigration Act, 1900, His Honour the Lieutenant Governor in Council has been pleased to approve the division of the province into two immigration districts, as follows:—

(a) Island District.—To comprise Victoria City, South Victoria, North Victoria, Esquimalt, Nanaimo City, North Nanaimo, South Nanaimo, Cowichan and Alberni electoral districts situate on Vancouver island.

(b) Mainland District.—To comprise all other territory of the said province.

Under the provisions of the said Act the following are appointed immigration officers for the district set opposite their respective names:—

William H. Ellis, of the city of Victoria, Island District

Argus McAllister, of the city of Vancourer Mainland District.

And for the better carrying out of the provisions of the said Act. His Honour the Lieutenant Governor in Council has been pleased to approve of the following regulations for the guidance of the said immigration officers:—

74b—5

1. The immigration officers appointed for the said immigration districts under the provisions of the said Act shall, as soon as possible after the publication of these regulations, recommend for the approval of the Lieutenant Governor in Council such persons as they may deem fit to act as deputy immigration officers for such portions of the said immigration districts as may be designed in such recommendations. Upon such recommendation being approved by the Lieutenant Governor in Council, the persons so approved shall at once proceed to exercise the functions of immigration officers for the districts for which such appointments may be approved.

2. The immigration officers for the said island and mainland districts shall forthwith forward all transportation companies that are known to engage in the business of bringing or transporting immigrants into the province of British Columbia, either by land or water, a copy of these regulations, and request such transportation companies to designate a person or persons from whom the said immigration officers may obtain notice of the arrival of immigrants into the province of British Columbia. All such transportation companies are hereby notified that the provisions of section 6 of the said Act will, from the 1st day of January, 1901, be strictly enforced.

3. The said immigration officers shall, at all or any time they may consider advisable, meet any boat, train or other vehicle purporting to carry immigrants into the said province, and present to each and every such immigrant a copy of the form 'B' set out in the schedule to the said Act, and upon the person refusing to comply with the provisions of section 4 of the said Act, the said immigration officers shall proceed according to the provisions of the said section.

4. The said immigration officers shall forthwith report to the provincial secretary the names of all transportation companies who may assist in the immigration of persons unable to comply with the provisions of the said Act.

572 L.

From Mr. Chamberlain to Lord Minto.

Downing Street, 22nd January, 1901.

My Lord,—With reference to my despatch, No. 272, of 5th October last, I have the honour to transmit to you, for the consideration of your ministers, a copy of a further note from the Japanese Minister at this court protesting against the enforcement of the British Columbia Immigration Act, 1900.

2. I shall be obliged if you will furnish me at the earliest possible opportunity with the report requested in my despatch under reference on this measure and the other mentioned in Baron Hayashi's note of 18th September last.

J. CHAMBERLAIN.

The Japanese Ambassador to the Most Hon, the Marquess of Lansdowne.

Japanese Legation, 7th January, 1901.

My Lord Marquess.—I have the honour to inform you that I am inreceipt of a telegram from the Japanese Consul at Vancouver, informing me that regulations have been promulgated in British Columbia to carry out the Immigration Act which has passed the legislative assembly of that province on 31st August last, and that necessary officers have been appointed by the provincial government for that purpose. To that legislation as well as other similar measures adopted by that province my government has taken exception, and I had the honour under its instructions to write on 18th September last, to Your Lordship's predecessor that Her Majesty's government may see its way to exercise its influence to annul those enactments. Her Majesty's government has given prompt attention to my request and the matter has since been referred to

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the Dominion government. In view, however, of the steps now being taken by the authorities of that province to enforce those Acts. I have the honer to request Your Lordship that the attention of the Governor General of Canada may be called again, and that his sanction may without further delay be withheld from those Acts.

HAYASHI.

573 L.

From Mr. Chamberlain to Lord Minto.

DOWNING STREET, 22nd January, 1901.

My Lord,—With reference to my despatch, No. 25, of even date respecting the British Columbia Immigration Act, 1900, I have the honour to request that you will invite the serious attention of your ministers to the question of the competence of a provincial legislature to pass such legislation.

2. It is understood from press reports that the Act is of a restrictive nature, based on the Natal Act, and having regard to the general principals on which the British North America Act is based, it would appear that such a measure is ultra vires for

any legislative body in Canada, other than the Dominion parliament.

3. The whole scheme of the British North America Act implies the exclusive exercise by the Dominion of all 'national' powers, and though the power to legislate for the promotion and encouragement of immigration into the provinces may have been properly given to the provincial legislatures, the right entry into Canada of persons voluntarily seeking such entry is obviously a purely national matter, affecting as it does directly the relations of the Empire with foreign states.

J. CHAMBERLAIN.

644 L.

His Honour the Lieutenant Governor of British Columbia to the Hon. the Secretary of State.

GOVERNMENT HOUSE, VICTORIA, B.C., March 20, 1901.

Sir,—I have the honour to transmit to you herewith, a copy of an approved minute, dated the 18th instant, which embodies a resolution expressive of the opinion of the legislative assembly of this province that the 'Chinese Immigration Act, 1900,' should be amended so as to require all immigrants to pass an educational test similar to that imposed by the government of the colony of Natal.

H. G. JOLY DE LOTBINIERE,

Lieutenant Governor.

Copy of a Report of a Committee of the Executive Council, approved by His Honour the Lieutenant Governor in Council on the 18th day of March, 1901.

The Committee of Council submits for the approval of His Honour the Lieutenant Governor the undermentioned resolution of the legislative assembly of British Columbia, namely:—

'Whereas the Dominion "Chinese Immigration Act, 1900" has proven inadequate to check the immigration of Chinese;

And, Whereas, the said Act leaves the threatening influx of other Asiatics wholly unrestrained;

Be it Resolved, That an humble Address be presented to His Honour the Lieutenant Governor, praying him to advise His Excellency the Governor General of Canada that, in the opinion of this House, the said Act should be amended so as to

make all immigrants comply with an educational test, similar to that imposed in the colony of Natal.'

The committee advise that a copy of this minute, if approved, be forwarded to

the Honourable the Secretary of State of Canada.

Dated this 16th day of March, 1901.

J. D. PRENTICE,

Clerk, Executive Council.

P. C. 663 L.

AT GOVERNMENT HOUSE, VICTORIA, B.C., March 26, 1901.

The Honourable

The Secretary of State, Ottawa, Canada.

Sir,—I have the honour to transmit to you herewith a copy of an approved Report of my Executive Council, which embodies a resolution of the Legislative Assembly requesting me to urge upon the Dominion Government the desirability of amending the 'Elections Act' co as to prevent the franchise being exercised by naturalized subjects of Japan and China.

H. G. JOLY DE LOTBINIERE,

Lieutenant Governor.

THE GOVERNMENT OF THE PROVINCE OF BRITISH COLUMBIA.

Copy of a Report of a Committee of the Honourable the Executive Council, approved by His Honour the Lieutenant Governor on the 26th day of March, 1901.

The Committee of Council submit for approval of His Honour the Lieutenant Governor the undermentioned resolution of the Legislative Assembly of British Columbia, namely:—

'Whereas a Bill is now pending before the House of Commons of Canada to amend the "Elections Act," and it is desirable that the said Act should be so amended as to prevent the franchise being exercised by naturalized subjects of Japan and China:

Be it therefore resolved, that, in the opinion of this House, an humble address be presented to His Honour the Lieutenant Governor, requesting him to communicate with the Dominion government, pressing upon that government the necessity which exists for amending the said Act as to accomplish the above object.'

The Committee advise that a copy of this minute, if approved, be forwarded to the Honourable the Secretary of State of Canada.

Dated this 22nd day of March, 1901.

J. D. PRENTICE,

Clerk Executive Council.

P. C. 694 L.

(Cable.)

From Mr. Chamberlain to Lord Minto.

LONDON, 27th April, 1901.

Referring to my Despatch No. 25 of 22nd January, when may report be expected Japanese Minister pressing for answer.

CHAMBERLAIN.

573 L.

Report of the Hon. the Minister of Justice, approved by His Excellency the Governor General in Council on the 27th June, 1901.

DEPARTMENT OF JUSTICE, OTTAWA, 5th March, 1901.

To His Excellency the Governor General in Councit:

There have recently been referred to the undersigned copies of the following despatches from the Right Honourable the Secretary of State for the Colonies addressed to Your Excellency, viz.: Despatch, dated 5th October, 1900, and two despatches dated 22nd January, 1901. These refer to legislation of the province of British Columbia passed during the year 1900, which has been objected to by the Japanese minister at the Court of St. James on behalf of his government.

In the despatch of 5th October, 1900, Mr. Chamberlain asks to be furnished with copies of the Acts referred to in the Japanese minister's note and of any similar legislation passed since 1898, with any observations which Your Excellency's ministers may wish to offer upon them.

The undersigned submits herewith copies of the volumes of the British Columbia legislation for 1898, 1899 and 1900, which contain the statutes to which Mr. Chamberlain wishes to refer.

Previous to the receipt of the despatches above mentioned the undersigned had considered the legislation in question and had prepared a report to Your Excellency, copy of which is appended hereto. (See Report of 5th January, 1901, on pp. 134-138.)

The undersigned also submits with his report copy of the correspondence and Orders in Council with respect to the legislation of 1898. These, in the opinion of the undersigned, together with the Orders in Council passed respecting the British Columbia legislation of 1899, which are of record in the Privy Council office, furnished the information which is called for by the despatches from the Colonial Office above mentioned.

The undersigned desires to direct Mr. Chamberlain's attention to the fact that the statutes of British Columbia for the year 1900 were received by the Secretary of State for Canada on 17th September last; that the time for disallowance will expire within one year from that date, and that in the view of the undersigned, as set forth in his report of 5th January last (see page 134), submitted herewith, the objections raised on behalf of the Japanese government to chapter 18, 'An Act respecting Liquor Licenses,' and chapter 54, 'An Act to revise and consolidate the Vancouver Incorporation Act,' were not of such a serious character as to call for the disallowance of these Acts which contain many other useful provisions.

The undersigned has had some correspondence with the government of British Columbia with regard to these statutes, and that government is now considering, as the undersigned is informed, the propriety of amending chapter 11, 'An Act to regulate immigration into British Columbia, and chapter 14, 'An Act relating to the employment on works carried on under franchises granted by private Acts,' so as to remove the grounds of objection taken on behalf of the government of Japan.

The undersigned recommends that a copy of this report, if approved, with the statutes and exhibits herein referred to, together with the said Orders in Council of 1899, be transmitted immediately to the Right Honourable the Principal Secretary of State for the Colonies with the request that he inform Your Excellency's government as early as possible whether His Majesty's government will be content with the disposition which was recommended to be made by the report of the undersigned of

5th January last, or whether any, and what further action ought to, in the opinion of His Majesty's government, be had in the matter.

Humbly submitted,

DAVID MILLS.
Minister of Justice.

Mr. E. P. Davis, K.C., to the Japanese Consul.

VANCOUVER, 9th March, 1901.

DEAR SIR.—Section 5 of the Vancouver Incorporation Act broadly provides that every male and female soul of the full age of twenty-one years who is the owner or tenant of real property of a certain value shall be entitled to the municipal franchise in the city of Vancouver without any regard whatever to the question of nationality or naturalization. The question that arises then is whether the provincial legislature has the power to prohibit certain people from exercising this right so given, merely and solely because such person is a Japanese or a Frenchman or belongs to some other foreign nationality; in other words, whether the provincial legislature has power to attach certain restrictions upon particular individuals, solely on account of their nationality.

Section 91 of the British North America Act, subsection 25, gives to the Dominion parliament exclusive jurisdiction with reference to naturalization and aliens. Section 92 of the same Act, subsection 8, gives to the provincial legislature exclusive jurisdiction with reference to municipal institutions in the province. But it is further provided at the end of section 91, that any matter coming within any of the classes of subjects enumerated in that section, shall not be deemed to come within the class of matters of a local or private nature comprised in the enumeration of the classes of subjects in section 92.

Section 7 of the Vancouver Incorporation Act (speaking always with reference to Japanese) is capable of being viewed in two different aspects, according to one of which it appears to fall within the subjects assigned to the provincial parliament by section 92 of the British North America Act, subsection 8, whilst according to the other it clearly belongs to the class of subjects exclusively assigned to the legislature of the Dominion by section 91, subsection 25.

The leading feature, however, of the section consists in this, that it has and can have no application except to Japanese (whether aliens or naturalized), and that it establishes no rule or regulation respecting municipal institutions, except that Japanese, as Japanese, shall not under any circumstances be allowed the right of voting in the city of Vancouver. This, it seems to me, is unquestionably dealing, and dealing only, with the subjects of aliens, which is covered by subsection 25, section 91, of the British North America Act. That section, in other words, establishes a statutory prohibition affecting Japanese who are aliens, and therefore necessarily trenches upon the exclusive authority of the parliament of Canada, the necessary result of which is, in my opinion, that section 7, so far as it relates to Japanese, is ultra vires of the provincial legislature and illegal.

I do not see how the Union Colliery case (Privy Council case, 1899), can be distinguished from the present

E. P. DAVIS.

P. C. 799 L.

Telegram.

Mr. Chamberlain to Lord Minto.

London, July 17, 1901.

Referring to my telegram of the 27th April, and to previous correspondence respecting legislation affecting rights of Japanese in British Columbia, what action have

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you taken or what is proposed by your ministers? It is the particular desire of His Majesty's government to do nothing especially at the present time to impair existing friendly relations with Japan.

CHAMBERLAIN.

P. C. 851 L.

Telegram.

Mr. Chamberlain to Lord Minto.

London, 22nd August, 1901.

Referring to your despatch No. 199 of 11th July His Majesty's government concurs in decision of your government as to anti-Japanese legislation in British Columbia.

CHAMBERLAIN.

870 L.

Mr. Chamberlain to Lord Minto.

DOWNING STREET, 23rd August, 1901.

My Lord,—With reference to your despatch, No. 199, of the 11th ultimo, in confirmation of my telegram of the 22nd instant, I have the honour to transmit to you for the information of your ministers, a copy of correspondence with the Foreign Cultice relating to certain measures, prejudicially affecting Japanese subjects, enacted by the legislature of British Columbia, and objected to by the Japanese government.

J. CHAMBERLAIN.

The Colonial Office to the Foreign Office.

DOWNING STREET, 8th August, 1901.

SIR,—With reference to the letter from this department of the 25th ultimo, I am directed by Mr. Secretary Chamberlain to transmit to you, to be laid before the Marquess of Lansdowne, the accompanying despatch from the Governor General of Canada respecting the British Columbia legislation to which the Japanese government has objected.

- 2. From the printed inclosure, a copy of which was previously sent to your department, of 12th July, 1899, Lord Lansdowne will observe that of the legislation passed in 1898 affecting Japanese, two Acts of a general character (chapters 28 and 44) were disallowed, but other Acts containing similar clauses were allowed to remain in operation for the reason stated in the marked passage on page 31 of the print, viz.: That these Acts being mainly concerned with the incorporation of companies, and having already come into operation, great inconvenience and hardship would have been caused to the companies if they had been disallowed.
- 3. With regard to 1899 legislation, which is referred to in the Foreign Office letter of 24th April, 1899, and connected correspondence, Lord Lansdowne will see that the Dominion government disallowed chapter 39 (relating to liquor licenses), section 36, of which prohibited the grant of a license to any Indian, Chinese or Japanese; chapter 44 (the Midway Pentieton Railway Subsidy Act), which was objected to, not by the employment of Chinese or Japanese labourers on the railways in question; and chapter 50 (the Placer Mining Act Amendment Act), which was objected to, not by the Japanese government, but by the United States government; but certain Acts of a limited character, similar to the 1898 Acts referred to above, were left in operation for the same reason as was given in those cases, and for the further reason that the

clauses in question were ultra viras under section 91 (25) of 30 Victoria, chapter 3, an opinion which seems to be borne out by the judgment of the Privy Council on the appeal of the Union Colliery Company of British Columbia, Limited, vs. Bryden and the Attorney General for British Columbia, a copy of which was sent to your department on 15th September, 1899. The British Columbia government was warned that any Act which might hereafter be passed similar to those passed in 1898 and 1899 affecting the employment of Japanese, would probably be disallowed.

4. With regard to the 1900 legislation, it will be seen that the Canadian government intend to disallow chapter 11, regulating immigration, and chapter 14, relative to employment on works carried out under legislative franchises, but to leave in operation chapters 18 and 54; and Mr. Chamberlain proposes, with Lord Lansdowne's concurrence, to acquiesce in the decision of the Dominion government, chapter 18, the Liquor License Act, does not contain the provision prohibiting the grant of a license to any Japanese, which appeared in the Act disallowed in 1899, but only disentitles Mongolians (with Indians) from recommending as 'householders' applications for the issue of licenses, and excludes them from the number of inhabitants in the vicinity of the proposed 'hotel,' which is one of the data on which an application for a license is decided—which provisions do not appear to constitute a disability to which the Japanese government can seriously object. Chapter 54 only disentitles Japanese from voting at Vancouver municipal elections (section 7), and the Dominion government could hardly disallow this long and important Act on the ground of this one objectionable provision; and further as the clause is ultra vires (section 91, 24 and 25, of 30 Vic., chap. 3), a Japanese resident in Vancouver, if not otherwise disqualified, can legally enforce his claim to be put in the list of voters.

5. I am to request the favour of an early reply, as it will be necessary to inform the Dominion government of the decision of His Majesty's government before the 17th September next, when the period during which the power of disallowance may

b. exercised will expire

H. BERTRAM COX.

The Foreign Office to the Colonial Office.

Foreign Office, 19th August, 1901.

Sir,—I am directed by the Marquess of Lansdowne to acknowledge the receipt of your letter of the 8th instant, forwarding a despatch from the Governor General of Canada respecting the British Columbia legislation to which the Japanese government have objected.

With regard to the 1900 legislation, Lord Lansdowne noted that the Canadian gevernment intended to disallow chapter 11 regulating immigration, and chapter 14, relative to employment on works caried out under legislative franchises, but to leave in operation chapter 18, 'An Act respecting Liquor Licenses, and chapter 54, 'An Act to revise and consolidate the Vancouver Corporation Act.'

Lord Lansdowne concurs in Mr. Secretary Chamberlain's proposal to acquiesce in the decision of the Dominion government.

T. H. SANDERSON.

1740.

Report of the Hon, the Minister of Justice, approved by His Execllency the Governor General in Council on the 11th September, 1908

DEPARTMENT OF JUSTICE, OTTAWA, 4th September, 1901.

To His Excellency the Governor General in Council:

The undersigned referring to the order of Your Excellency in Council of 27th June last, respecting certain statutes of the legislative assembly of British Columbia,

passed in the 64th year of Her late Majesty's reign (1900), has the honour to state that in reply to a communication which was sent to the Right Honourable the Principal Secretary of State for the Colonies in accordance with the recommendation of the said Order in Council, a cable reply has been received by Your Excellency from Mr. Chamberlain, dated 22nd August last, stating that His Majesty's government concurs in the decision of Your Excellency's government with regard to these statutes. This decision is stated in the report to Your Excellency of the undersigned, dated 5th January last, in which it is recommended, for the reasons therein stated, that chapter 11 of the said statutes, intituled 'An Act to regulate immigration into British Columbia,' and chapter 14, intituled 'An Act relating to the employment on works carried on under franchises granted by private Acts,' be disallowed, and that the other Acts referred to, or specially mentioned in the said report, be left to their operation.

The undersigned recommends, therefore, that the two statutes above mentioned, viz.: chapters 11 and 14 be disallowed.

Respectfully submitted,

DAVID MILLS,

Minister of Justice.

1941.

AT THE GOVERNMENT HOUSE AT OTTAWA.

THE 11TH DAY OF SEPTEMBER, 1901.

PRESENT:

His Excellency the Governor General in Council.

Whereas the Lieutenant Governor of the province of British Commbia with the legislative assembly of that province, did, on the 31st day of August, 1900, pass a statute which has been transmitted, chaptered 11, and intituled 'An Act to regulate Immigration into British Columbia.'

And whereas the said statute has been laid before His Excellency the Governor General in Council, together with a report from the Minister of Justice, recommending that the same be disallowed.

Therefore His Excellency the Governor General in Council is pleased to declare his disallowance of the said statute and the same is hereby disallowed accordingly

Whereof the Lieutenant Governor of the province of British Columbia, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

JOHN J. McGEE,

Clerk of the Privy Council.

I, Sir Gillert John Elliott, Earl of Minto, Governor General of Canada, do hereby certify that the statute passed by the legislature of the province of British Columbia, on the 31st day of August, 1900, chaptered 11, and intituled 'An Act to regulate Immigration into British Columbia,' was received by me on the 17th day of September, 1900.

Given under my hand and seal this 11th day of September, 1901.

MINTO.

1760.

AT THE GOVERNMENT HOUSE AT OTTAWA,

THE 11TH DAY OF SEPTEMBER, 1901.

PRESENT:

His Excellency the Governor General in Council.

Whereas the Lieutenant Governor of the province of British Columbia, with the legislative assembly of that province did on the 31st day of August fast, 1900, pass a statute which has been transmitted, chaptered 14 and intituled 'An Act relating to the employment on works carried on under franchises granted by private Acts.'

And whereas the said statute has been laid before His Excellency the Governor General in Council, together with a report from the Minister of Justice, recommending that the same be disallowed;

Therefore His Excellency the Governor General in Council is pleased to declare his disallowance of the said statute and the same is hereby disallowed accordingly.

Whereof the Lieutenant Governor of the province of British Columbia, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

JOHN J. McGEE,

Clerk of the Privy Council.

I, Sir Gilbert John Elliott. Earl of Minto, Governor General of Canada, do lereby certify that the statute passed by the legislature of the province of British Columbia on the 31st day of August, 1900, chaptered 14, and inutuled 'An Act relating to the employment on works carried on under franchises granted by private Acts,' was received by me on the 17th day of September, 1900.

Given under my hand and seal this 11th day of September, 1901.

MINTO.

S97 L.

The Japanese Consul to His Excellency the Governor General.

HIS IMPERIAL JAPANESE MAJESTY'S CONSULATE FOR CANADA,

Vancouver, B.C., 22nd September, 1901.

Your Excellency.—With reference to my representation of 1st September, 1901, I have the honour to respectfully express to Your Excellency my sincere gratitude that is no doubt shared by our nation felt at the final action recently taken by Your Excellency's government through which the Immigration Act and the Labour Regulation Act of British Columbia, 1900, have been disallowed. This action cannot but tend, I believe, to strengthen the friendly feeling happily existing, not only between Japan and China, but also between Japan and the British Empire at large.

I avail myself of this opportunity to renew to Your Excellency the assurance of

my highest considerations.

S. SHIMIZU,

His Imperial Japanese Majesty's Consul.

40.

Report of the Honourable the Minister of Justice, approved by His Excellency the Governor General in Council on the 17th January, 1902.

DEPARTMENT OF JUSTICE, OTTAWA, 27th December, 1901.

To His Excellency the Governor General in Council:

The undersigned has had under consideration the following statutes of British Columbia, passed in the 1st year of His Majesty's reign (1901), viz.:—

Chapter 32, 'An Act to authorize the loan of five million dollars for the purpose

of aiding the construction of railways and other public works.'

Section 10 of this Act authorizes the Lieutenant Governor in Council to enter into agreements with any person or company undertaking the construction of any railway to which a subsidy is hereby attached, which may be necessary or convenient for the due construction and operation of such railway, which agreements shall, in every instance, in addition to other matters therein provided for, contain the provisions set forth in the said section. These include among others the following:—

'(e.) That the Lieutenant Governor in Council shall have absolute control of the freight and passenger rates to be charged by the railway, and that, notwithstanding, and in the event of the railway being or becoming subject to the jurisdiction of the Dominion government, the same shall be assumed by the company, and shall be deemed a contract between the province and the company.'

'(i.) That no aliens shall be employed on the railway during construction, unless it is demonstrated to the satisfaction of the Lieutenant Governor in Council that

the work cannot be proceeded with without the employment of such aliens.'

Chapter 65, 'An Act to amend the "Arrowhead and Kootenay Railway Company Act, 1898."

Chapter 69, An Act to incorporate the Coast-Kootenay Railway Company, Limited.'

Chapter 70, 'An Act to amend "Columbia and Western Railway Company's Act, 1898."

Chapter 71, 'An Act to incorporate the Comox and Cape Scott Railway Company.'

Chapter 72, 'An Act to incorporate the Crawford Bay Railway Company.'

Chapter 77, 'An Act to incorporate the Imperial Pacific Railway Company.'

Chapter 78, 'An Act to incorporate the Kamloops and Atlin Railway Company.' Chapter 79, 'An Act to incorporate the Kootenay Central Railway Company.'

Chapter 81, 'An Act to incorporate the Midway and Vernon Railway Company.'

Chapter 83, 'An Act to incorporate the Queen Charlotte Islands Railway Company.'

Chapter 84, 'An Act to incorporate the Vancouver and Grand Forks Railway Company.'

Chapter 85, 'An Act to incorporate the Victoria Terminal Railway and Ferry Company;' and

Chapter 87, 'An Act to incorporate the Yale-Northern Railway Company.'

Each of these statutes contains a provision in effect that no aliens shall be employed on the railway during construction unless it is demonstrated to the satisfaction of the Lieutenant Governor in Council that the work cannot be proceeded with without the employment of such aliens. Each of these statutes contains the further provision that the Act shall not come into force and effect until such time as the company shall give security to the satisfaction of the Governor in Council.

'(1.) That the Lieutenant Governor in Council shall have the right from time to time to fix maximum rates for freight and passenger traffic, and the company shall not charge rates higher than those fixed.

(2.) That is the event of Dominion legislation bringing this railway company under the exclusive jurisdiction of the parliament of Canada, the foregoing conditions shall be carried out by the company so incorporated, as a contract and obligation of said company, prior to any other charge thereon.'

Chapter 68, intituled 'An Act to incorporate the Chikat and Klehini Railway

and Navigation Company,' and

Chapter 80, intituled An Act to incorporate the Lake Bennett Railway.'

Each of these chapters contains the provision above quoted with regard to the security to be given to the satisfaction of the Lieutenant Governor in Council regarding the fixing of maximum rates, but they do not contain the clause with respect to aliens

Chapter 85. In addition to the objectionable clauses which have been stated, this Act contains a provision empowering the company to adopt and earry into effect the draft agreement recited in and incorporated with a Bill passed by the municipal council of the City of Victoria, copy of which is set forth in the schedule to the Act. This agreement provides among other things that no Chinese or Japanese person shall be employed on any of the works or undertakings agreed to be carried out by the company, or in the operation of such undertakings after construction, and in the event of any Chinese or Japanese person being so employed, the company shall forfeit and pay to the corporation the sum of \$50 per day for every person so employed.

Chapter 86, 'An Act empowering the corporation of the city of Victoria to lease the market building premises and otherwise carry into effect the 'Victoria Terminal

Railway By-law, 1900.'

This statute declares that the Victoria Terminal Railway By-law, 1900, which is the by-law already referred to, was duly passed, and shall be absolutely valid and binding upon the corporation according to the terms thereof, and the council is empowered to carry out and give force and effect to all the provisions, agreements, stipulations and conditions in the said by-law set forth. The by-law recites the agreement containing the clause with respect to Chinese or Japanese already mentioned.

Dealing first with the provisions above queted with regard to the Lieutenant Governor in Council fixing maximum rates for freight and passenger traffic, and what shall happen in the event of Dominion legislation bringing these railway companies under the exclusive jurisdiction of parliament, the undersigned has difficulty in understanding what is intended by the legislature. The words have already been quoted. They would have to be construed having regard to the Dominion legislation whatever it might be, affecting the company, if its railway were brought under the exclusive jurisdiction of parliament. In so far as, consistently with such legislation, the provincial statute incorporating the company might operate, the original chapter would probably remain in operation, and the provision in question would give it no additional effect. In so far, however, as it is attempted to follow these companies into Dominion jurisdiction, and govern them by provincial enactment intended to come into effect after they have passed beyond the authority of the province, the legislation can, in the opinion of the undersigned, have no effect.

The undersigned has already stated his view upon such legislation with regard to a similar clause in the British Columbia Acts of 1889, vide report of undersigned approved by Your Excellency on 14th December, 1899. So long as these railways are subject to local jurisdiction there can be no objection to the clause now in question. It is not necessary to consider whether or not parliament is likely to take any action in the matter. It is certain that if at any tine these railways should fall within the exclusive jurisdiction of parliament, previously existing enactments with regard to them can have effect only in so far as parliament intends, and, therefore, what-

ever the construction of these clauses or the intention of the legislature with regard to them may be, it seems to the undersigned harmless so far as Dominion interests are concerned. The undersigned would not, therefore, recommend disallowance of any of these Acts upon the ground solely that they contain clauses upon which he has already commented.

The undersigned has received a communication from the Japanese Consul at Vancouver objecting to the clause above quoted with respect to aliens, particularly with regard to the legislation respecting the Victoria Terminal Railway and Ferry Company, and he points to the clause respecting the Japanese contained in the agreement set forth in the above-mutioned by-law. It is unnecessary for the undersigned to review here the correspondence which has taken place during the last three years between the Imperial government. Your Excellency's government and the government of British Columbia with regard to legislation respecting the Jaranese. A number of statutes have been disallowed, and the government and legislature of the province are well aware of the policy of Your Excellency's government with regard to such legislation and the reasons for it. Heretofore exception has been made with respect to Acts incorporating private companies because of the inconvenience which might arise if these statutes were disallowed after the companies had been organized and commenced operations, but in the report of the undersigned referring to the disallowance of previous Acts of British Columbia for the same reason, and t the Acts then under review, stated: 'Inasmuch, however, as certain statutes of British Columbia were disallowed in 1899 on account of provisions attempting to render illegal the employment of Japanese, and as certain other statutes will, if this report be approved, soon be disallowed for the same reason, the undersigned considers that by the time of another session of the legislature it will be safe to hold that the views of Her Majesty's government and of this government with regard to anti-Japanese legislation, are generally and sufficiently understood in British Columbia, and, therefore, it may well be considered, in case of this objectionable section appearing in future acts of incorporation, or acts affecting private companies, that these companies' Acts ought not to have exceptional treatment. The applicants may be held to have obtained the legislation at their own risk, and persons dealing with corporations incorporated by charters attempting to impose disabilities upon aliens may also be held to have acted with notice of the views entertained by Your Excellency's government, and of the action which would probably be taken with respect to such measures.'

A copy of this report was duly communicated to the provincial government, and in face of the warning so given, the undersigned does not consider that are further exception should be made. The statutes now in question contain all the objectionable provisions which led to the disallowance of the former Acts. The objections are in the present instance more serious, inasmuch as not only Japanese, but all aliens, are disqualified from employment to the extent mentioned in these acts. The subject of aliens is clearly within the exclusive authority of parliament.

Immigration is also within Dominion jurisdiction, and it has been, and is, the policy of Your Excellency's government to premote immigration, large sums of money being annually expended from the Dominion treasury to that end. The efforts of Your Excellency's government would, however, be certainly paralyzed if the immigrant, upon coming to Canada, is to find the way of employment closed to him by provincial legislation. The policy of these enactments is so contrary to that of Your Excellency's government, and the on ethicuts themselves so manifestly ultra vives, that the undersigned considers that no course is open to Your Excellency's government, consistently with the public interest, but the exercise of the power of disablewance, unless, indeed, the provincial legislature repeal these provisions.

The undersigned, therefore, recommends that a copy of this report, if approved, to transmitted to the Lieutenant Governor of British Columbia, with a request that

he inform Your Excellency's government as soon as convenient whether these Acts will be amended within the time limited for disallowance by repealing the clause affecting aliens, and further as to the legislation respecting the Victoria Terminal Railway and Ferry Company, by reforming the by-law and agreement therein referred to, so as to do away with the provisions relating to Japanese.

Respectfully submitted,

DAVID MILLS,

Minister of Justice.

26.

Report of the Honourable the Minister of Justice upon Chapter 46, approved by His Excellency the Governor General in Council on the 10th January, 1902.

DEPARTMENT OF JUSTICE, OTTAWA, December 27th, 1901.

To His Excellency the Governor General in Council:

The undersigned has the honour to submit his report upon the Revenue Tax Act, 1901, of the statutes of British Columbia, 1 Edward VII, chaptered 46, intituled 'An

Act to provide for the collection of a tax on persons.'

This Act requires every male person, as defined by the Act, in the province of British Columbia to pay an annual revenue tax of \$3, subject to be increased as provided by the Act, which tax is to fall due from and after January 2nd in each year, and shall be payable in advance for the use of His Majesty in the right of the province. It is provided, however, that every merchant, farmer, trader or employer of labour shall on demand of the assessor and collector pay the annual tax for every male person in his employ, not only at the time when such demand is made, but also from time to time for every male person in his employ during the year for which the tax is payable, and may deduct the amount so paid on account of any male person from the amount of salary or wages due or to become due to any such male person upon the production or delivery of the receipt for such tax for such person. It is provided that every such merchant, farmer, trader or employer of labour shall be primarily liable for the said tax in respect of every male person in his employ, and that he shall be liable to all the provisions of the Act with regard to such persons in his employ.

It is not clear to the undersigned whether in the case of an employee the statute intends that payment should be enforced directly against him. Express provision is, however, made for enforcing payment of the tax imposed in respect of such employee

against the employer.

It seems clear to the undersigned that this method of taxation, so far as the employer in respect of those in his employ is concerned, is not direct taxation. The power of a local legislature to tax arises under the 2nd and 9th enumerations of section 92 of the British North America Act, viz.: '(2) Direct taxation within the province in order to the raising of a revenue for provincial purposes;' and '(9) shop, saloon, tavern and auctioneer, and other licenses in order to the raising of a revenue for provincial, local or municipal purposes.' No question of licenses is involved in this Act, and, therefore, in so far as the Act authorizes indirect taxation, it is ultra vires. A definition quoted by the highest judicial authority as embodying an understanding of the most obvious indicia of direct and indirect taxation, which is a common understanding, and likely to have been present to the minds of those who passed the Act of Union, is the definition of John Stuart Mill, as follows: 'Taxes are either direct or indirect. A direct tax is one which is demanded from the very persons who it is intended or desired should pay it. Indirect taxes are those which are demanded from one person, in the expectation and intention that he shall indemnify himself at the expense of another.'

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The project of taxing the employer in respect of his employees, and authorizing him to withhold the amount of the tax so paid from the wages due to the employee, is not one by which the tax is demanded from the persons who it is intended or desired should pay it, but rather by which the tax is demanded from one person in the expectation and infention that he shall indemnify himself at the expense of another. It would be perhaps hard to find a more apt illustration of a tax indirectly levied than that furnished by this legislation. The undersigned entertains no doubt that sections 5, 6 and 7, and the other provisions of the Act affecting the employer of labour as such should be repealed, and he recommends that inquiry be made of the provincial government upon communication of a copy of this report as to whether such amendments will be made within the time limited for disallowance.

Respectfully submitted,

DAVID MILLS,

Minister of Justice.

P.C. 369.

PRESBYTERIAN CHURCH IN CANADA,

Foreign Mission Committee (Western Division) Toronto, March 4th, 1902.

To the Honourable

The Secretary of State, Ottawa.

At a Conference of the Foreign Mission Boards held in Toronto on the 25th and 26th February, at which Delegates from forty different boards were present, representing every section of the Protestant Christian Church in the United States and Canada, the following resolution was proposed by the Rev. R. P. Mackay, D.D., Secretary of the Foreign Mission Committee of the Presbyterian Church in Canada, supported by the Rev. S. L. Baldwin, D.D., of the Methodist Episcopal Church in the United States, and unanimously adopted.

'Resolved, that as representatives of the Foreign Mission Boards of Canada and the United States we deprecate the Anti-Chinese agitation in the two countries, looking to a re-enactment of exclusion laws and to making said laws more stringent. We regard this agitation as uncalled for, and in violation of the Golden Rule and the Spirit of Christianity.

We urge that in any new legislation enacted, an effort be made to secure just immigration laws of universal application instead of laws discriminating against a particular people.'

It was further agreed that a copy of this Resolution be sent to the proper authorities at Ottawa and Washington.

W. HENRY GRANT,
Secretary of Conference.

P. C. 1082—L.

AT THE GOVERNMENT . HOUSE, VICTORIA, B.C.

The 26th of March, 1902.

The Honourable

The Secretary of State, Ottawa, Canada.

Sir,—I have the honour to transmit to you, herewith, a certified copy of a minute of the Executive Council, approved by me on the 21st. instant, which embodies a Resolution of the Legislative Assembly of this Province requesting me to represent to

the Federal Government the necessity of enacting Legislation during the present session of Parliament to give effect to the recommendation of the Royal Commissioners appointed to enquire into the Asiatic question in British Columbia.

H. G. JOLY DE LOTBINIERE.

Lieutenant Governor.

Cory of a Report of a Committee of the Honourable the Executive Council, approved by His Honour the Lieutenant Governor on the 21st day of March, 1902.

The Committee of Council submit for the approval of His Honour the Lieutenant Governor the undermentioned Resolution of the Legislative Assembly of British Columbia, namely:—

Whereas the Royal Commission recently appointed by the Dominion Government to enquire into the Asiatic question in this Province have reported strongly against

the immigration of Chinese and Japanese into Canada:

BE it therefore Resolved, That an humble Address be presented to His Honour the Lieutenant Governor, requesting him to communicate with the Dominion Government urging upon that Government the necessity which exists for passing legislation at this Session of the Federal Parliament giving immediate and full effect to the recommendations of the majority report of the said Commissioners.'

The Comittee advise that a copy of this minute, if approved, be forwarded to the

Honourable the Secretary of State of Canada.

Dated this 20th day of March, 1902. Certified.

J. D. PRENTICE.

Clerk Executive Council.

Report of the Honourable the Minister of Justice upon Chapter 46, approved by His Excellency the Governor General in Council on the 12th June, 1902.

DEPARTMENT OF JUSTICE, OTTAWA, June 9th, 1902.

To His Excellency the Governor General in Council:

The undersigned, referring to the despatch of the Lieutenant Governor of British Columbia of 29th ultimo, observes that with regard to chapter 46 of the British Columbia Act, 1901, intituled: 'An Act to provide for the collection of a tax on persons,' the provincial government refers to correspondence with the undersigned. The Attorney General of British Columbia wrote Mr. Mills on 31st January last, referring to Mr. Mills' report to Your Excellency upon this statute of 27th December, 1901. The Attorney General stated as follows:—

These provisions in almost their present form were first enacted by sections 6, 7 and 8, chapter 24 of 1881, and afterwards re-enacted by sections 8 and 9 of chapter 110 of the consolidated statutes of 1888, and by sections 5, 6 and 7 of chapter 167 of the revised statutes of 1897.

You will, therefore, see that this legislation is not new, and that on three occasions the Dominion executive have allowed it to go into effect.

'I have no doubt that these provisions were first devised to facilitate the collection of poll tax from the Chinese. As you are no doubt aware, we have in this province quite a large number of Chinese and Japanese labourers. It is almost impossible to identify these men, and so they can evade payment of this tax. Very few of them possess any property that can be reached, so the only way to compel them to centribute towards the revenue of the province is by a poll tax collectable through their employers.

'I feel confident that you are not inclined to throw any unnecessary obstacles in the way of our compelling these people to contribute a reasonable amount towards the maintenance of government in the province in which they make the money which they forthwith export to China.

'In your report I notice you make this observation: "It is not clear to the undersigned whether in the case of an employee the statute intends that payment should be enforced directly against him." I submit it is reasonably clear that a collector may proceed either against the employer or the employee for the amount of the tax. Section 3 imposes the tax upon every male person and subsection (3) of section 5, in my opinion recognizes the liability of the employee to pay the tax, and provides that in the event of his doing so, any liability of the employer shall cease. I would strongly urge upon you this view of the statute, that it imposes a direct tax upon every male above a certain age; that his liability to pay does not cease upon being employed by another, but that in that event by a statutory attachment of the "salary or wages due or to become due to such male person" (S. 5, subsection 1) the employer becomes liable, out of such salary or wages, to pay the debt due to the Crown by the employee, and that the employer's payment of the tax discharges pro tanto his liability to his employee.

'I consider it quite competent for a provincial legislature to enact that all moneys due or to become due from an employer shall be attached until a tax debt due from the employee to the Crown or to a municipality shall have been discharged, and that out of such moneys the employer shall pay the tax.

'It may be that all the provisions of this Act are not as well drawn as they might be, but I submit that the above is a fair interpretation to put upon the statute as a whole. You lay stress in your report upon the clause in subsection (1) of section 5, that "Every such merchant, farmer, trader or employer of labour, shall be primarily liable for the said tax in respect of every male person in his employ at any time during the year for which said tax is payable, and until the tax is paid in respect of such person." That clause it seems to me may be fairly interpreted to refer to the employers' liability as garnishee and to be a direction to the collector to have recourse in the first instance to the employer instead of wasting time and money collecting from the employees.

'If you cannot adopt this view, I' am prepared to submit legislation either repealing the clause or making it clear that it has the meaning I attribute to it. As the disallowance of this Act or the striking out from it of the attachment provisions would seriously effect our already inadequate revenue, I ask that you reconsider the Act, and that you do not have it disallowed at least until I fail to remove your objections to it.'

The undersigned having considered these observations of the Attorney General thereupon, the Deputy Minister of Justice, by direction of the undersigned, wrote Mr. Eberts under the date of February 21st last as follows:—

Revenue Tax Act, 1901, of British Columbia, I observe that there has been similar legislation in force in British Columbia since 1881, and I am not aware that any question has come before the courts with regard to it. It would seem, therefore, that the people of the province must have largely acquiesced in the enforcement of these provisions. The Minister, however, entertains no doubt that they are ultra vires to the extent stated in his predecessor's report, approved on 10th ultimo. Any employer objecting to the validity of the Act may, of course, conveniently have the question determined by the courts, and in view of the fact which you state, that previous statutes were not disallowed, he is not inclined to recommend extreme measures with regard to the present Act. He thinks, however, that it would be worth while for you to consider whether a more constitutional means cannot be devised for ensuring the

collection of the tax, as it is not unlikely, particularly as attention has now been called to the invalidity of the statute, that litigation may arise which will involve the province in costs, and otherwise prove embarrassing.

'Awaiting a reply to the official despatch, the Minister does not propose at present

to make any further recommendation to His Excellency.'

The undersigned, considering the communication of the Attorney General and the aforesaid reply, and for the reasons therein stated, recommends that the Act in question be left to such operation as it may have.

Humbly submitted,

C. FITZPATRICK,

Minister of Justice.

1052.

Report of the Honourable the Minister of Justice, approved by His Excellency the Governor General in Council on the 12th June, 1902.

DEPARTMENT OF JUSTICE, OTTAWA, June 9th, 1902.

To His Excellency the Governor General in Council:

There has been referred to the undersigned a despatch of the Lieutenant Governor of Fritish Columbia, dated 29th ultimo, transmitting a copy of a minute of the Executive Council of that province, dated 28th ultimo, approving a report of the Attorney General with regard to certain statutes passed by the Provincial Legislature, 1901, to which objections have been raised by Your Excellency's Government.

The undersigned observes that as to the following statutes the provincial government recommend the amendments suggested by Your Excellency's Government as

alternatives to disallowances, viz.:-

Chapter 10, 'An Act to amend the Companies Act, 1897;'

Chapter 25, 'An Act respecting the fisheries of British Columbia;'

Chapter 32, 'An Act to authorize a loan of five milion dollars for the purpose of aiding the construction of railways and other public works;'

Chapter 65, 'An Act to amend the Arrowhead and Kootenay Railway Company,

Act, 1898;

Chapter 69, 'An Act to incorporate the Coast Kootenay Railway Company, Limited;'

Chapter 70, 'An Act to amend the Columbia and Western Railway Company Act, 1895;'

Chapter 71, 'An Act to incorporate the Commox and Cape Scott Railway Company;'

Chapter 72, 'An Act to incorporate the Crawford Bay Railway Company;'

Chapter 77, 'An Act to incorporate the Imperial Pacific Railway Company;'

Chapter 78, 'An Act to incorporate the Kamloops and Atlin Railway Company;'

Chapter 79, 'An Act to incorporate the Kootenay Central Railway Company;'

Chapter 81, 'An Act to incorporate the Midway and Vernon Railway;'

Chapter 83, 'An Act to incorporate the Queen Charlotte Islands Railway Company;'

Chapter 84, 'An Act to incorporate the Vancouver and Grand Forks Railway

Company;

Chapter S7, 'An Act to incorporate the Yale Northern Railway Company.'

The time for disallowance of these statutes will expire on 23rd instant. The legislature of British Columbia has been for some time in session, yet it does not appear from the despatch that the amending Acts have been passed, although it is distinctly stated that the provincial government recommends such amendments.

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The undersigned considers that Your Excellency's government should have a definite assurance previous to 23rd instant, that these recommendations have been carried into effect, and he recommends with regard to the various Acts above mentioned that a telegraph despatch be sent to the Lieutenant Governor of British Columbia, acknowledging his despatch of 29th ultimo, with the inclosures, stating that the power of disallowance will not be exercised if the amendments proposed are sanctioned within the time limited for disallowance; that the matter is, however, of so much consequence that the action of the legislature cannot be permitted to remain in doubt, and that it will be necessary for Your Excellency's government to take further action unless on or before the 23rd instant Your Excellency's government is advised that the necessary amendments have been finally passed.

Chapter 68, 'An Act to incorporate the Chilkat and Klehini Railway and Navi-

gation Company,' and

Chapter 80: 'An Act to incorporate the Lake Bennett Railway Company.'

The latter of these Acts has recently been disallowed for the reasons stated in a previous report of the undersigned.

As to Chapter 68, the undersigned has nothing to add to the report of his predecessor of 27th December last.

Chapter 85, 'An Act to incorporate the Victoria Terminal Railway and Ferry Company, and

Chapter 86, 'An Act empowering the corporation of the city of Victoria to lease the market building premises and otherwise carry into effect the Victoria Terminal By-law, 1900.'

With regard to these two Acts, it is stated in the provincial despatch that the Attorney General has requested he council of the city of Victoria to advise him what action the city propose to take towards reforming the agreements and by-laws so as to render them unobjectionable to the undersigned, and that as this matter has not as yet been dealt with by the council of Victoria, the Attorney General is not in a position to make any recommendation respecting these Acts.

The undersigned observes that chapter 85 contains a clause respecting aliens, the same as that contained in the other Acts of incorporation hereinbefore enumerated, and the reasons which have led the provincial government to recommend the repeal of that clause in other Acts of incorporation, apply equally in the present case. There is the further objection, both to this chapter and chapter 86, that the agreement and by-law ratifying the same which are referred to in both statutes, provide that no Chinese or Japanese person shall be employed upon the works of the company.

The undersigned would be satisfied to leave these Acts to their operation if section 25 of chapter 85 were repealed, and if an amendment were made affecting both these statutes, declaring that nothing in either Act contained should impose any statutory disability upon the company to employ Japanese. The action to be taken by the legislature does not, therefore, in the opinion of the undersigned depend upon the council of the city of Victoria, and he considers that this view should be communicated by telegraph to the Lieutenant Governor, with the request to inform Your Excellency's government within the time limited for disallowance, whether such amendments have been made.

Chapter 37: 'An Act to amend the Inspection of Metalliferous Mines Act and amending Act.'

The British Columbia Mining Association petitioned against this Act upon the grounds stated in their petition, a copy of which was submitted to Your Excellency, with the report of the predecessor of the undersigned of 28th December last. The statute provides for the appointment of inspectors of mines, requires reports and returns to be made to the provincial government respecting accidents and the working of the mines, &c., and establishes a code of signals for use in the working of the

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mines. It also limits the employment of engineers to eight hours per day. The objections of the British Columbia Mining Association relate to the code of signals, which is said not to be reasonably practicable. This legislation is so clearly competent to the province that the undersigned feels that Your Excell new cannot do more than represent the views of the association to the provincial government. That has been already done, and it is stated by the provincial despatch that it is so clear that this legislation should not be interfered with, that the provincial government does not recommend its amendment or repeal.

The undersigned considers, therefore, that this matter must be left in the hands of the local authorities, and he recommends that the potitioners he so informed.

The undersigned further recommends that a copy of this report, if approved, be transmitted to the Lieutenant Governor of British Columbia, for the information of his government.

Respectfully submitted,

C. FITZPATRICK.

Minist roi Justi e.

1070.

Report of the Honourable the Minister of Justice, approved by His Escellency the Governor General in Council on the 20th June, 1902

DEPARTMENT OF JUSTICE, OTTAWA, 12th June, 1902.

To His Excellency the Governor General in Council:

The undersigned, referring to his report of 9th instant, has the honour to state that in accordance with the recommendations therein made, the Secretary of State has telegrapheed to the Lieutenant Governor of British Columbia and received his reply, which has been referred to the undersigned. The Lieutenant Governor states as follows: 'My government will not amend chapters \$5 and \$6 unless requested by municipal council of Victoria. Bills have been introduced to carry out recommended amendments to chapters 10, 25, 32, 65, 69, 70, 71, 72, 77, 78, 79, 81, 83, 84 and 87. My government will undertake that said bills will certainly be passed at present session so far as they can give an undertaking respecting action of legislature.'

The undersigned considers that Your Excellency may properly accept the assurance so given by the Lieutenant Governor that the Acts mentioned other than chapters 85 and 86, will be satisfactorily amended at the present session of the ligislature, and he recommends, therefore, that none of these Acts be disallowed.

As to chapters 85 and 86, it is to be observed that the provincial government decline to promote any amendment unless requested by the municipal council of Victoria. The undersigned has already pointed out that the action which the government and legislature of British Columbia ought to take does not depend upon any request from the municipal council, and he would, in view of the correspondence, recommend the disallowance of these two Acts, were it not for the fact that it is represented to the undersigned that the Victoria Terminal Railway and Ferry Company has already constructed its works, or a large portion thereof, that it has acquired rights and expended a large amount of capital upon the faith of the agreement with the city, and the two statutes in question, and it would, therefore, lead to very great hardship and expense, as well as some confusion of interests, in which innocent persons might suffer, if these Acts were disallowed. Further, the undersigned entertains no doubt that the clause constituting the objection to the legislation is clearly ultra vires, and cannot legally affect the rights or capacity of aliens or Japanese or others, against whom it may be nominally directed. For these excep-

tional reasons, the undersigned considers that chapters \$5 and \$6 may be left to such operation as they may have, notwithstanding the probability, which appears very great, that the legislature will not make the suggested amendments. The non-disallowance of these Acts should not, however, be regarded as a procedent or urged in support of any discrimination in favour of future Acts of incorporation containing these or similar objectionable clauses, the general intention of Your Excellency's government being for the future to make no exception in the disallowance of the statutes of British Columbia affecting aliens generally or specially directed against the Japanese.

The undersigned recommends that a copy of this report, if approved, be transmitted to the Lieutenant Governor of British Columbia, for the information of his government.

Humbly submitted,
C. FITZPATRICK,

Minister of Justice.

1181.

British Columbia—2 Edward VII., 1902—3rd Session 9th Legislature.

Japanese Consul General to His Excellency the Governor General.

IMPERIAL CONSULATE GENERAL OF JAPAN, June 25th, 1902.

Sir, Your Excellency,—In the name of His Imperial Japanese Majesty's government, I have the honour to call Your Excellency's serious attention to the following Bills that were passed by the British Columbia Legislative Assembly during the session which is just over, and to which assent was given on the 23rd instant by His Honour the Lieutenant Governor of the province, viz.:—

The section 14 above referred to will prejudicially affect the number of Japanese

of the province, namely:-

1st. The Bill entitled 'An Act to further amend the Coal Mines Regulation Act.' According to the report made to me by His Imperial Majesty's consul at Vancouver, the said Bill has taken the form of re-enacting rule 34 of section \$2 of chapter 138 of the revised statutes of British Columbia, with the addition to the said rule of the word 'Japanese' inserted after the word 'Chinaman.'

This rule, therefore, reads as follows: 'Rule 34. No Chinaman, Japanese, or person unable to speak English, shall be appointed to or shall occupy any position of trust or responsibility in or about a mine, subject to this Act, whereby through his ignorance, carelessness or negligence he might endanger the life or limb of any person employed in or about a mine, viz., as bankman, onsetter, signalman, brakeman, peintsman, furnaceman, engineer, or be employed below ground or at the windlass of a sinking pit.'

This rule, as Your Excellency is already aware of, as it appeared in the revised statutes of British Columbia, that is, without the present addition of the word Japanese, was disallowed practically by the decision rendered by the Privy Council of Great Britain, which decided on an appeal taken from the decision of the full court of the

province of British Columbia, as follows:-

'That an enactment by a provincial legislature that no Chinaman shall be employed in mines is beyond its competence, in a much as by the British North America Act, 1867, section 91, subsection 25, legislation with respect to naturalization and aliens is reserved exclusively for the parliament of the Dominion of Canada.' Relying on this decision of the highest tribunal of the British Empire, the present Bill must surely be ultra vives of the powers of the legislative assembly of British Columbia, as the word 'Japanese' as added is only variation in the originally disallowed rule 34.

2nd. The Bill No. 14: An Act relating to the employment on works carried on

under franchises granted by private Acts, with one section added, as follows:—

'(1) The Lieutenant Governor in Council may appoint the chief of the provincial police and any provincial police constable or other persons as officers to carry out and enforce the provisions of this Act.'

The provisions of this Act are the same, with the exception of last section 10, as given above, which has been added, as that Act passed as Chapter 14, 1900, Statutes of British Columbia, and entituled:—

'An Act relating to the employment on works carried on under franchises granted by Private Acts.' This Act of chapter 14, 1900, was disallowed on September 11th,

1901, by Your Excellency.

The section 14 above referred to will prejudicially effect the number of Japanese settlers in the province, as it prohibits employment of any Japanese who are unable to read the Act in a language of Europe, on any of the works specified under this section, and besides there is every reason to believe that this section—is—deliberately—meant against the employment of Japanese people only, as it is not a test of the language of the province, the English language, for any other Europan language is admitted for the test.

3rd. Insertion of these clauses in all private Bills which tend to the exclusion of the employment of Japanese labour, and particularly these clauses which are being added to the various railway Bills, notably section 4 of the Pacific Northern and Omenica Railway Company Bill, which discriminates against Japanese in particular.

4th. A resolution moved by a member of British Columbia legislature on the 10th

April and carried on 15th of the same month, as follows:—

'That all contracts, leases and concessions of whatsoever kind entered into, issued or made by the government or on behalf of the government, provision be made that no Chinese or Japanese shall be employed in connection therewith.'

Pursunat to this resolution the Japanese consul at Vancouver reports special licenses are now being issued to which are attached a condition that no Chinese or

Japanese shall be employed thereon.

It seems that this new clause has not been passed by a general Act of the Legislative Assembly, but the condition has been attached by the authority of section 50 of chapter 113 of the revised statutes of British Columbia, 1897, in which the Chief Commissioners of Lands and Works may grant licenses, to be called special licenses, subject to such conditions, regulations and restrictions as may from time to time le established by the Lieutenant Governor in Council.

Whether this be an Act or simply a resolution empowered by an Act, either its practical effect or with regard to its being constitutional or not, but in any case there is no doubt that it is the legislation which affects the questions of aliens, similar to that which was at stake in the case of Bryden vs. the Union Colliery Co. of British Columbia, in which it was decided by the Privy Council of Great Britain in July, 1890, that such legislation was distinctly unconstitutional. While this clause is unconstitutional, the Japanese residents in the province will materially suffer from the steps taken, as they are entirely prohibited from being engaged on timbee limits and in work connected with the timber licenses and a large number of them will consequently be thrown out of work and from their living, which they peacefully enjoyed for a number of years.

5th. Bill introduced into the British Columbia legislature by the Minister of Mines of the same provincial government, entitled 'An Act to regulate Immigration into British Columbia.'

This Bill is practically the same as the one that was introduced at a former session of the legislature, but was disallowed by Your Excellency's government.

The object of this Act is similar to the former one, in a smuch as it is aimed obviously and solely at the exclusion of the Japanese from the province since by subsection (f) the Chinese are exempt from the provisions of the Act.

My protest, as stated in the foregoing paragraph, will apply to this last and most serious one with even stronger force, as should this Bill come into force, the Japanese

will be totally deprived of their treaty right of free entry into Canada through their international highway, both by land and water, and the province of British Columbia will virtually mean to shut herself against the people of Japan. These high-handed measures, pursued on the part of the British Columbia legislature, are almost an infringement of the treaty stipulations between the two most friendly powers concerned. Besides, it is manifest that such legislation is far from being constitutional, as the province is not entitled to have jurisdiction over the questions which involve the welfare and interests of aliens and immigrants, such power wholly resting with the Dominion government. Your Excellency is doubtless aware that the Imperial Japanese government has been voluntarily restricting the emigration of their labourers into Canada for the past two years, for the sole reason to avoid any friction that might occur by allowing them to come into British Columbia, and to cause any ill-feeling among a certain class of people there.

That the fact that the voluntary course thus taken by the Japanese government has proved so very effective is fully proved by the Royal Commissioners appointed by

Your Excellency's government.

The commissioners state in their report, published as follows: 'Your commissioners fully appreciate the action taken by the government of Japan on August 2, 1900, whereby the governors of the prefectures of Japan were instructed to prohibit entirely for the time being the emigration of Japanese labourers for the Dominion of Canada. &c., &c.

'The course adopted by the Japanese government, if we may without presumption be permitted to say so, is most opportune, eliminating all causes of friction and irritation between Canada and Japan, and so favouring a freer trade and intercourse between the countries than could otherwise obtain.'

Nothing further is needed to settle this most difficult question upon a firm basis than some assurance that the action already taken by the government of Japan be

revoked.'

Your commissioners desire to express their earnest hope that in the continuance of this friendly policy, legislation on this subject by the Canadian government may be rendered unnecessary.

'While your commissioners thus highly appreciate the measures taken by the government of Japan, and strongly recommend to your government that there should be no legislation enacted against the immigration of Japanese subjects into Canada, I am at a loss to find out why the British Columbia government should again pass the legislation above referred, which was disallowed by Your Excellency only six months ago.

I shall not argue any further on the subject, as all these Bills above referred to are merely repetitions of the Bills either passed by the British Columbia legislature in previous sessions, or disallowed by Your Excellency within only the last six months, and still more as they were so thoroughly and ably argued by my predecessor in office, Hon. S. Shiunger, on previous occassions, that I have very little to add to his argument.

Before, however, concluding this note of official protest, I have further honour of requnesting Your Excellency in behalf of His Imperial Japanese Majesty's government, that you will take speedy steps that these obnoxious Bills, particularly that relating to the Japanese immigration, be disallowed, before it shall come into force, as this legislation even for a moment if left in force, will most injuriously interfere with the free movement of all classes of Japanese in general, the consequence of it will eventually lead to jeopardizing of trade relations between Japan and Canada, in which British Columbia is particularly interested.

While I trust that Your Excellency's government should similarly be ready to use on this occasion the same enlightenment and impartial policy which has on previous occasions been extended to the legislation of this kind, they will also take into consideration that on account of the recent treaty, the people of the countries on both

sides of the Pacific—the Empire of Japan and Dominion of Canada—should enter into closer union and have better understanding.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

TATSZGORO NOSSE.

P. C. 1244--L.

No. 292.

Mr. Chamberlain to Lord Minto.

Downing Street, August 2, 1902.

My Lord,—I have the honour to acknowledge the receipt of Sir H. Strong's despatch No. 230, of the 2nd July, forwarding a copy of a letter addressed by the Consular General for Japan in Canada to the Governor General protesting against the provisions of measure recently enacted by the legislature of the province of British Columbia as prejudicially affecting the rights of Japanese residents in the province.

2. I shall be glad to receive a copy of the reply returned to the Consul General in due course and also copies of the laws referred to in Mr. Nosse's communication.

J. CHAMBERLAIN.

1249 L.

The Japanese Consul General to His Excellency the Governor General.

IMPERIAL CONSULATE GENERAL OF JAPAN, MONTREAL, August 11, 1902.

Sir, Your Excellency,—I had the honour of addressing to Your Excellency in previous despatch, under date of June 26th, which copy is herewith accompanied, in relation to several Bills and resolutions as per enclosures marked A, B, C and D, which were passed in the British Columbia legislature during the last session, and assent was given later on by the Lieutenant Governor of the said province.

The Imperial Japanese Consul in British Columbia reports that since the laws above referred to had been enforced in that province, the Japanese people are practically debarred from the full enjoyment of their rights and privileges under the vigorous prosecution of such laws and regulations in hands of the provincial officers. What most affects their rights and interests are the laws practically prohibiting their free entry into the province and preventing their employment on works carried on under franchises granted by private Act, &c., and it is now proven so very obnexious to our countrymen, that they can no longer stand the enforcement of these laws.

I beg leave, therefore, to call Your Excellency's attention to the fact that I am in receipt of a cable instruction from the Imperial Minister of State for Foreign Affairs in Tokio, that I should appeal to the good-will of your government and ask them to have these obnoxious laws disallowed, on the ground that the immigration law recently enacted proves not only disadvantageous to Japanese subjects, but also contrary to Canadian constitution, and that the Imperial government of Japan are extremely surprised at such actions being taken in spite of severe restrictions they had put since 1900 upon immigration of their people into Canada.

I have, in accordance to the instructions above referred to, the honour of transmitting the earnest desire of my government to Your Excellency's government, and at the same time trusting that your government will lose no time in having these

laws disallowed at an early date.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

TATSZGORO NOSSE.

May 12th, 1902.

The Japanese Consul to the Chief Commissioner of Lands and Works.

Re Conditions Attached to Timber Licenses Excluding Employment of Oriental Labourers.

Dear Sir.—According to a report of the Vancouver Daily Province of May 12th, special permits are being issued to which are attached a special condition as follows: This permit is granted on the special condition that no Chinese or Japanese shall

be employed in working the said limits mentioned in this permit.'

The Province goes on to state that this new clause was not passed by the general Act of the legislative assembly, but must have been ordered by the Lieutenant Governor in Council, and that the authority for so doing is contained in section 50 of the Land Act revised statutes and amendments to the end of 1901. I see by reference to section 50 of chapter 113 revised statutes of British Columbia, 1897, that the Chief Commissioner of Lands and Works may grant licenses to be called special licenses, subject to such conditions, regulations and restrictions as may from time to time be established by the Lieutenant Governor in Council, and of which notice may be given in the British Columbia Gazette.

I have looked over the Gazette of May 1st, May 8th, and May 15th, but have been unable to find the notice referred to, would you kindly furnish mo with the information as follows:—

1. If these conditions regarding the employment of Japanese labourers are now attached to the timber licenses which are issued?

2. If it is pursuant to the section 50 referred to the chapter 113 revised statutes of British Columbia, or if a special Act has since been passed by the legislature.

3. If a notice has been given by the Lieutenant Governor in Council, could you please give me the date and page of the Gazette in which the said notice is contained?

Hoping I am not giving you undue trouble, and trust you can favour me with an early reply.

S. P. SACKO,

Chancellor in charge of His Imperial Japanese Majesty's Consulate, Vancouver, B.C.

The Chief Commissioner of Lands and Works of the Province of British Columbia to Japanese Consul.

LANDS AND WORKS DEPARTMENT,
VICTORIA, May 27, 1902.

SIR,—I have the honour to acknowledge the receipt of your letter of the 22nd instant, and in reply to your inquiry. I beg to say that the condition respecting the non-employment of Chinese and Japanese, attached to the special licenses to cut timber, was made pursuant to a resolution of the legislative assembly of this province now in session.

W. C. WELLS,

Chief Commr. of L. & W.

Hon. S. P. SACKO,

Chancellor in charge of His Imperial Japanese Majesty's Consulate, Victoria, B.C.

P. C. 1408.

THE CARIBOO GOLD FIELDS, LIMITED.
6 and 8, EASTCHEAP, LONDON, E.C., August, 1902.

The Right Honourable

Sir Wilfrid Laurier, G.C.M.G., P.C., &c.

Premier and President of Privy Council for the Dominion of Canada.

Sir,—The directors of The Cariboo Gold Fields, Limited, a mining company which holds extensive freehold and leasehold mining properties situated upon and adjacent to the bed of the well known Williams Creek, and near the town of Barkerville, in the Cariboo District of British Columbia; in consequence of very one-sided legislation in mining matters, enacted by the legislative assembly of the province, of which the objectionable features are unnecessarily emphasized and enhanced by the interpretation placed upon the said enactments by the executive of the provincial Government, acting under the pressure of the labour leagues of the province; find themselves compelled to approach the government of the Dominion of Canada, of which your Excellency is the distinguished premier; to beg that the government of the Dominion will exercise its great influence with the provincial government of British Columbia to obtain from them in favour of The Cariboo Gold Fields, Limited. and of all companies having similar aims and interests in the province in regard to matters not solely affecting these mining companies but also affecting the greatest interests of a province which is absolutely dependent upon the encouragement of capital to develop its great mineral wealth;-

Firstly—A more favourable interpretation of the clauses of Acts which have been left by the provincial legislature to the discretion of the executive.

Secondly—An effort on the part of the ministers of the executive government to direct the future legislation of the assembly towards the same end.

The directors of the Cariboo Gold Fields, Limited, in support of their earnest request to your Excellency, as the Premier of the Dominion, in asking as above for some effective protest to the executive government of the province of British Columbia, beg to lay before you the following facts.

These facts are intended to show the difficulties which are unnecessarily placed in the way of mining enterprises requiring the assistance of capital, and the grievances from which this company in common with all mining companies in the province suffers, and which unless redressed must absolutely prevent in the future, as it has hindered in the past, the obtaining of any subscription of funds or capital in London for the development of the natural wealth of the province.

If proper encouragement is given to those who may be willing, if some chance of success is offered by wise legislation to invest their money in properly thought out schemes for working the mineral wealth which undoubtedly exists, there will be ample employment at remunerative rates for every able bodied man desirous of work in the province; the only difficulty will be in securing the amount of labour required at the places where it is needed.

In default of this encouragement no investor will be able to see any advantage in considering the claims put forward on behalf of the province, and without the private investor, there can be neither companies formed to develop the mines, nor wages for the casual working miner resident in the province.

It must not be forgotten in this connection, that the province of British Columbia, from its position, does not afford as in other parts of Canada great fields for agricultural development, but that its chief resources lies in the minerals which are so widely existent throughout the whole of its northern area, and which remain from lack of capital untouched, as the risks involved in providing the funds for the needful working plant require much more inducement than has been ever offered heretofore

by the legislature of the province; for in the greater part of the province these minerals are not such as can be operated by individual miners, but require for their development the aid of modern machinery and capital.

Anything done in legislating which prevents the introduction of such capital as the province needs, can only be considered as absolutely suicidal; it involves the interests of every resident of the province, and sooner or later the absence of capital coming into the country must be felt by every individual resident in one way or other.

That the legislative assembly should levy taxes, in every possible form upon the owners and lessees of mines as contributions towards the revenues of the province could only be expected, and although these taxes are levied to an extent which appears to the directors to be far in excess of the interests involved, we do not propose to call Your Excellency's attention now to that grievance. Nor do we desire in this letter to especially direct Your Excellency's attention to the unsatisfactory tenure granted to the mines which require the largest outlay; that is to say, 'placer mines,' as contrasted with the more favourable conditions granted to 'quartz mines,' which is in itself a great grievance, and much against the interests of the province. A very moderate amount of expenditure gives a right to a freehold in the latter, whilst that important privilege is denied to the 'placer miner.'

We cannot help feeling, and expressing our opinion, that it would remedy a great injustice, and also be to the manifest interests of the province, and also of the Dominion, if placer miners were placed at the least upon an equality in legislation with the owners of quartz mines.

The special grievance which we desire at the present time to bring before Your Excellency is confined to and refers only to the internal working of mines in the province.

We have to pay both occasionally and annually large amounts to the revenue of the proivace, and yet the special legislation made at the assembly, and also further, the interpretation placed upon that legislation by the executive, hampers the development and working of our mining property to an extent which may reach the point of practically confiscating the said property, from the impossibility of working it under the prohibitory conditions arbitrarily laid down; under the very mistaken telief on the part of the legislature, that in the oppressive enactments which shut out investments in improvements of property in the province, they are acting in the interests of their constitutents, who are mostly working men.

We beg to recapitulate the statements which were laid before Your Excellency by our chairman verbally—as to the position of this company, and of the difficulties it labours under—owing to the obstructive policy of the provincial government.

The Cariboo Gold Fields, Limited, was founded in 1894, the objects of the company being to work certain placer mines, or claims, situated on William's Creek, in the District of Cariboo, British Columbia.

Such claims were purchased from vendors, who had acquired them in the usual manner under leases granted by the Gold Commissioner of the district, on behalf of the Government of British Columbia; further claims were subsequently purchased, and others were obtained by the usual methods of 'pegging out.'

Attached to these claims were 'water records,' mostly prior records from the respective sources, which gave this company power to take water from various streams and rivers in the district, and these water records were granted to the company for a term of ten years.

Soon after the formation of the company—which in the first instance was composed of six or seven contributors—it was found that there existed a difficulty in obtaining money to develop the property, the chief reason being that the title granted was for so short a period that the capitalists did not consider themselves safe in taking up the shares.

It was therefore decided upon the advice of people both in British Columbia and here in London, to apply to the Legislative Assembly of British Columbia for a special Act extending the period of our leases, and consolidating the whole property, including the water rights, under one lease to be granted under the Act through the Minister of Mines, by the Lieutenant Governor in Council, for a period of 20 years from the year 1896 (being the date of the Act), the said lease to be extended for a further period of 20 years, under such conditions as to annual rental as might be fixed by the Lieutenant Governor in Council. The freeholds belonging to the company were also consolidated as far as regarded current annual working, and mentioned in the schedule of the said Act.

The Act was obtained (No. 68, dated 6th April, 1896), but a clause was inserted by the legislature therein to the effect that no Chinese nor Japanese labour should be employed in or about the said mine, and that the Lieutenant Governor in Council should fix a penalty to enforce this clause when granting the lease ordered under the Act. The amount of the penalty was left to the executive.

On accepting the Act—the directors of this company thought that they had to deal with a legislature who had the interests of all classes in he province at heart, and that the general interests of a country in which both capital and labour were very deficient would be the main object kept in view, and that as members of our empire they would avoid acting harshly, or to the prejudice of those who were doing much to develop the industries of the province committed to their charge, also that if any penalty were exacted under the Act, it would be one strictly confined to the end to be attained, that being the prevention of undue competition with the available white labour by aliens.

We applied for our confirming lease in due course, and to our astonishment we found that the penalty for employing Chinese or Japanese labour for any work on our mine was fixed at five dollars per day for each person so employed.

Now were it possible, or had it been possible to employ white labour only, the company would employ it, although they might feel that they should not be restricted to it. But unfortunately white labour is not always obtainable in sufficient quantity, and the company must either employ from time to time, a certain amount of Chinese labour, or else close their operations.

The pay of a Chinese labourer at Barkerville is from \$2½ to \$3 per day; the pay of a white labourer for rsimilar work is from 3½ to \$4 per day, and the value of the work done by the white labourer is considered to be much better on the average than that done by the Chinese; there is therefore very little temptation to the manager of a mine to engage Chinese labour if he can obtain white labour freely; the difference in intrinsic value would be amply covered by about 50 cents per day, per man, for the lower class of work; whilst for the higher class of work the manager would always engage white labour by preference, even at still higher rates of pay if he could get it of the proper quality, or perhaps even if he could get it at all.

Now, if we accept the lease with the penalty attached of paying \$5 per day per liead for every Chinese labourer employed, we shall have to pay \$3 wages, plus \$5 penalty, making eight dollars per man per day, whenever we are obliged to employ Chinese labour because we are unable to obtain white labour for imperative work; for we have already offered only to employ Chinese labour when the Gold Commissioner certified that it was a necessity. We have also offered to pay a penalty of fifty cents, (50 cents) per head per day for each Chinese labourer employed. This would be more than sufficient to deter any manager from employing Chinese labour if white labour were attainable, as he would lose the benefit of the better work done by white labour without any benefit in the pay-roll.

If we are compelled to pay the penalty of five dollars per head per day for Chinese labour when we are unable to find white labour, making about eight dollars

per day for every man so employed, and solely because we cannot obtain white labour, we must stop operations.

If we stop operations, we lose our leases, or run the risk of losing them.

Up to the present we have refused to accept the lease with a greater penalty than the cents per head per day; although we have duly and regularly paid to the government the enhanced annual rental due under the Act in respect of our leases.

We are now informed that we must either accept the lease as drawn, or that our

property on which we have expended about 100,000 pounds must pass from us.

We have made various suggestions to the Provincial Government through either the Minister of Mines, the Attorney General, or through other members of the Ministry, asking for a reduction of the penalty of \$5,— and have offered as before mentioned, to accept a fine equivalent to the difference between white labour and Chinese labour.

We have approached various members of the executive government from time to time. They are so afraid that by doing their duty to the real interests of the province, that they may I so their seats in the legislature, that they prefer to suffer the country to sustain a pernauent injury, and to stop progress and development, rather than to risk their individual interests, by incurring the enmity of the labour leagues, although the position taken by the said labour leagues is unreasonable and injurious to the welfare of the country.

To give Your Excellency one instance only to show what a great detriment to the interests of the Province this matter may prove; we would mention that this company alone has a project on foot for the working and development of another portion of our property, through a subsidiary company where an expenditure of about 50,000 pounds in the first instance would be made; but this question of the non-employment of thinese labour stands in the way, all of these connected with our company having determined that until the removal of the 'boycott' they will not proceed further.

Our Chairman adds that from his own personal knowledge the question is pre-

venting the influx of Capital into the Province.

As men of business we know the risks which attach to any mining enterprise; those risks we are prepared to take, but we cannot continue our business unless we

have the support of those in authority.

The directors of the Cariboo Gold Fields, Limited, for the reasons enumerated above beg Your Excellency, as the Premier for the Dominion of Canada to exercise on behalf of your Government the great influence at your command with the givernment of the province of British Columbia, to obtain a redress for this company of the grievances above-mentioned.

For the Cariboo Gold Fields Limited,

ERNEST COLLINS,

Chairman of the Board.

WM. BAMFIELD SMITH.

Secretary.

P. C. 1663.

IMPERIAL CONSULATE GENERAL OF JAPAN FOR THE DOMINION OF CANADA.

Montreal, Que., November 1st, 1902.

Right Honourable

Sir Wilfrid Laurier, G.C.M.G., P.C., &c.,

Premier of the Dominion of Canada.

DEAR SIR,—It has now chapsed several months since I had the honour of addressing His Excellency the Governor General protesting against several bills passed by the British Columbia legislatures during last session and which are since then

rigidly enforced by the local government of the said province of all Japanese people

who are coming into that province.

I have not, however, been informed of any steps taken by the Dominion Government so far toward the disallowance of the said bills. The Imperial government of Japan is anxious to have the said restrictions upon her people in British Columbia be removed at an early date. As I had the honour of stating to you at our last interview the Government of Japan ask no more than fair and just treatment of her people in the hand of her great friendly neighbor across the Pacific—Canada, they are quite agreeable to the recommendation, proposed by the Royal Commission in their report and you are already aware of the fact that the Government of Japan has been for last few years taking a voluntary course in restricting her people to come to British Columbia.

I will have the honour of calling upon you before very long to convey to you the earnest wishes of the Government of Japan on the matter referred to.

TATSZGORO NOSSE.

1731.

Report of the Honourable the Minister of Justice, approved by His Excellency the Governor General in Council on the 5th December, 1902.

DEPARTMENT OF JUSTICE, OTTAWA, 14th Nov., 1902.

To His Excellency the Governor General in Council:

The undersigned has the honour to submit his report on the following statutes of the legislature of British Columbia, passed during the second year of His Majesty's reign (1902), and received by the Secretary of State for Canada on the 29th day of September last:

Chapter 34, 'An Act to regulate Immigration into British Columbia.'

Chapter 38, 'An Act relating to the employment on works carried on under franchises granted by Private Acts.'

Chapter 48, 'An Act to further amend the "Coal Mines Regulation Act."

Chapter 34 is a re-enactment of Chapter 11, 64 Victoria, of the Statutes of British Columbia.

Chapter 38 is a re-enactment of Chapter 14, 64 Victoria, of the Statutes of British Columbia.

These statutes as originally enacted were disallowed by order of Your Excellency in Council of 11th September, 1901, for the reasons stated therein, and the reasons stated in the report of the Minister of Justice of 5th January, 1901.

Upon the same grounds the undersigned considers that these statutes as now reenacted should be disallowed.

Chapter 45 amends the Coal Mines Regulation Act, Revised Statutes, 1897, by repealing rule 34 of section 82, and substituting therefor a rule in all respects the same, except that the substituted rule expressly excludes Japanese from being appointed to or occupying the positions therein mentioned. This enactment, in so far as it affects Japanese, either as aliens or as naturalized British subjects, isultra vires under the decision of the Judicial Committee of the Privy Council, in the case of the Union Colliery Company of British Columbia vs. Bryden, 1889, Appeal Cases, 580. It is also an example of discriminating legislation such as has been on several occasions during the last few years disallowed by Your Excellency's Government, as incompetent to a provincial legislature or upon grounds of public policy. The reasons which prevail for the disallowance of such measures are well understood.

The undersigned does not consider that any useful purpose would be served by correspondence with regard to these statutes, and he recommends that each of them be disallowed.

Respectfully submitted,

C. FITZPATRICK,

Munister of Justice.

1732.

Proclamation Disallowing Chapter 34.

AT THE GOVERNMENT HOUSE AT OTTAWA.

Friday, the 5th day of December, 1902.

PRESENT:

His Excellency the Governor General in Council.

Whereas the Lieutenant Governor of the province of British Columbia, with the Legislative Assembly of that province, did on the 21st day of June, 1902, pass an Act, which has been transmitted, chaptered 34, and intituled 'An Act to regulate Immigration into British Columbia.'

And whereas the said Act has been laid before the Governor General in Council, together with a report from the Minister of Justice, recommending that the said Act be disallowed.

Therefore the Governor in Council has this day been pleased to declare his disallowance of the said Act, and the same is hereby disallowed accordingly.

Whereof the Lieutenant Governor of the province of British Columbia and all other persons whom it may concern are to take notice and govern themselves accordingly.

JOHN J. McGEE, Clerk of the Privy Council.

I. Sir Gilbert John Elliott, Earl of Minto, Governor General of Canada, do hereby certify that the Act passed by the Legislature of the province of British Columbia, on the 21st day of June, 1902, chaptered 34, intituled 'An Act to regulate Immigration into British Columbia,' was received by me on the 29th day of September, 1902.

Given under my hand and seal at Ottawa this fifth day of December, 1902.

MINTO.

1733.

Proclamation Disallowing Chapter 38.

AT THE GOVERNMENT HOUSE AT OTTAWA.

Friday, the 5th day of December, 1902.

PRESENT:

His Excellency the Governor General in Council.

Whereas the Lieutenant Governor of the province of British Columbia, with the Legislative Assembly of that province, did on the 21st day of June, 1902 pass an Act which has been transmitted, chaptered 38, and intituled 'An Act relating to the employment on works carried on under Franchise granted by Private Acts.'

And whereas the said Act has been laid before the Governor General in Council, together with a report from the Minister of Justice, recommending that the said Act be disallowed.

The Governor General in Council has thereupon this day been pleased to declare his disallowance of the said Act, and the same is hereby disallowed accordingly.

Whereof the Lieutenant Governor of the province of British Columbia, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

JOHN J. McGEE,

Clerk of the Privy Council.

I, Sir Gilbert John Elliott, Earl of Minto, Governor General of Canada, do hereby certify that the Act passed by the Legislature of the province of British Columbia on the 21st day of June, 1902, chaptered 38, intituled 'An Act relating to the employment on works carried on under Franchises granted by Private Acts,' was received by me on the 29th day of September, 1902.

Given under my hand and seal at Ottawa this fifth day of December, 1902.

MINTO.

1734.

MINTO.

Proclamation Disallowing Chapter 48.

AT THE GOVERNMENT HOUSE AT OTTAWA.

Friday, the 5th day of December, 1902.

PRESENT:

His Excellency the Governor General in Council.

Whereas the Lieutenant Governor of the province of British Columbia, with the Legislative Assembly of that province, did on the 21st day of June, pass an Act which has been transmitted, chaptered 48, and intituled 'An Act to further amend the Coal Mines Regulation Act.'

And whereas the said Act has been laid before the Governor General in Council, together with a report from the Minister of Justice, recommending that the said Act should be disallowed.

The Governor General in Council has thereupon this day been pleased to declare his disallowance of the said Act, and the same is hereby disallowed accordingly.

Whereof the Lieutenant Governor of the province of British Columbia and all other persons whom it may concern, are to take notice and govern themselves accordingly.

JOHN J. McGEE,

Clerk of the Privy Council.

I, Sir Gilbert John Elliott, Earl of Minto, Governor General of Canada, do hereby certify that the Act passed by the Legislature of the province of British Columbia, on the 21st day of June, 1902 chaptered 48, and intituled 'An Act to further amend the Coal Mines Regulation Act, was received by me on the 29th day of September, 1902.

Given under my hand and seal at Ottawa this fifth day of December, 1902.

MINTO.

P. C. 1356-L.

IMPERIAL CONSULATE GENERAL OF JAPAN,

MONTREAL, 20th December, 1902.

His Excellency the Governor General.

Sir, Your Excellency,—I have the honour of informing Your Excellency that I have this day received a cablegram from His Excellency the Baron Komura, His Imperial Majesty's Minister of State for Foreign Affairs, instructing me to convey to Your Excellency's Government in the name of the Imperial Government of Japan, their highest appreciation of the action taken by the Canadian Government upon the British Columbia legislation against Japanese subjects and to express to your government their earnest wish that the most friendly relations between Japan and Canada will continue to the best advantage of both nations concerned.

TATSZGORO NOSSE.

IMPERIAL CONSULATE GENERAL OF JAPAN,

FOR THE DOMINION OF CANADA,

MONTREAL, Jan. 24, 1903

To the Right Honourable Sir Wilfrid Laurier, G.C.M.G., P.C.

Dear Sir,—Upon receipt of a cable instruction from Baron Komura, Japanese Minister of State for Foreign Affairs, during your absence from Ottawa to the south of the United States, I had the honour of addressing to Lord minto, the Governor General, transmitting to his Excellency the highest appreciation of the Imperial Japanese Government on the action taken by the Canadian Government upon the British Columbia legislation.

I have this day received another instruction from Baron Komura instructing me to convey his sincere thanks to you and further to express to you his personal appreciation of your good and friendly feeling towards his countrym n in Canada.

With this purpose I am coming to Ottawa next Monday and I wish you would be good enough to receive me at your convenience, as I am to stay in the Capital for a few days.

TATSZGORO NOSSE.

Ottawa, 30th January, 1903

Mr. T. G. Nossé, Imperial Japanese Consul, Montreal.

Dear Mr. Nossé,—I enclose a statement which I have just received from the Deputy Minister of Trade and Commerce with regard to Japanese immigration to Canada. The total number from July, 1901 to the end of June, 1902, is 563. According to my information this number is larger than was authorized by the new legislation adopted lately by the Japanese Government. Would you kindly explain to me how this was done? I would be obliged if you would also send me an official statement giving the number of Japanese who are allowed to immigrate each year, since the passing of the new legislation above referred to.

WILFRID LAURIER

IMPERIAL CONSCIATE GENERAL OF JAPAN FOR THE DOMINION OF CANADA.

MONTREAL, 3rd February, 1903.

The Right Honourable

Sir Wilfrid Laurier, Ottawa.

Dear Sir,—In answer to your inquiry as to why so large a number of Japanese were all well to emigrate to Canada during the past one year or so. I beg to say that the Japanese government has been restricting for more than last two years the issuing of new passports to all intending immigrants to Canada. It is total and absolute restriction, and there is not any limited number allowed for each year as you have referred.

The only Japanese who are allowed to leave Japan under the present system for Canada are:—

- 1. Those who hold the old passports and also the certificates of the Japanese consul at Vancouver certifying that they are residents in Canada and only returning to Canada.
- 2. The families of Japanese residents in Canada coming out to them, upon approval of Japanese consul at Vancouver
 - 3. The merchants and students duly qualified.

As to the unusually large number in the months of May and June, 1902, Hon. Mr. Morikawa, Japanese consul at Vancouver, B.C., wired to me this morning in answer to my telegraphic inquiry, saying that 'Those who landed both at Victoria and Vancouver in these two months were not destined for Canada, but left for Tacoma, Seattle and San Francisco after staying a day or two. Those who remained in this province did not number more than twenty, and are only the old residents, who went to Japan on temporary visit,'

I may venture to explain a few facts that on account of the better facilities given by the C. P. R. steamers quite a large number of Japanese are coming by the said steamers en route to the United States ports, but none of them should carry passports for Canada, but all for the United States. The United States immigration agents stationed both at Victoria and Vancouver will supply you with a complete list of Japanese who have left British Columbia for the United States, and this list will show you a very considerable number leaving the province across the boundary, leaving a very small surplus in British Columbia.

The total number of Japanese residents in British Columbia were, according to the report prepared by the Japanese Consul at Vancouver, under date of December 31, 1901, 2,722, divided up as fellows:—

Thurst mitted at all all and the articles	
Vancouver	671
Victoria	136
New Westminster	318
Steveston	417
Nanaimo	36
Skeena River	114
Kootenay	7.1
Union Mines	199
Salt Springs, &c	40
Cariboo	69
Chemainus	83
Rivers Inlet	22
C. P. R. route	58
B. C. ranches	403
Mount Sicea	49
Dawson	53

I am not contradicting the validity of your census, but the care should be sometimes taken by the census officers in not mixing both Japanese and Chinese, The Chinese, since the war of 1894, and consequent; defeat by the Japanese, have assumed, a great many of them, English customs, and pretended to be the Japanese. For an instance, there is a 'Japanese laundry' in this city of Montreal, while there is none of my countrymen engaged in that trade.

TUTZSGORO NOSSE, His Imperial Majesty's Consul General.

Ottawa, February 5, 1903.

Mr. T. Nossé.

Imperial Consul General, Montreal.

Dear Mr. Nossé,—I have your favour of the 3rd instant, for which I tender you my sincere thanks. I would be obliged, however, if you would kindly add to the information it conveyed to me, the regulations of your government as to the number of Japanese allowed every year to emigrate from Japan to Canada. This point is not covered by your letter.

WILFRID LAURIER.

IMPERIAL CONSULATE GENERAL OF JAPAN FOR THE DOMINION OF CANADA, MONTREAL, February 5, 1903.

The Right Hon. Sir Wilfrid Laurier,
Prime Minister of Canada, &c., &c., &c.
Ottawa.

DEAR SIR,—In answer to my cablegram to His Excellency Baron Komura, Miniter of State for Foreign Affairs, informing him of Hon. Sydney Fisher's visit to Japan, representing the Canadian government at the National Exhibition to be held at Osaka, Japan, his lordship sent me a cablegram this morning instructing me to transmit to you, in the name of His Imperial Japanese government, his highest appreciation of the good will shown to his country by the Canadian government and also that he deems his country is highly honoured with the visit of a cabinet minister of a great friendly nation across the Pacific and that he wishes to assure your government that Hon. Sydney Fisher will receive every attention and courtesy from the Japanese government during his stay in the empire.

TATSZGORO NOSSE.

IMPERIAL CONSULATE GENERAL OF JAPAN FOR THE DOMINION OF CANADA.

MONTREAL, February 6, 1903.

The Right Honourable
Sir Wilfrid Laurier,
Ottawa.

Dear Sir,—In answer to your favour of yesterday's date, referring to the number of Japanese allowed to emigrate each year from Japan to Canada, I beg leave to state that prier to the fall of 1900, the number of new passports issued to the Japanese emigrants for Canada used to be about fifty each month, but since then the Japanese Government have wholly stopped the issuance of new passports to any intending emigrants for Canada, under a provision of the Emigration Protection Law, and no passports are, therefore issued at present to the new emigrants, except to the merchants, students and tourists duly qualified. It is therefore practically the total restriction, on the part of Japanese Government, to the emigration of their people to Canada. Those who are now arriving in British Columbia should be on

transit to the United States or holders of the old passports properly endorsed by the Japanese Consul at Vancouver (certifying that they are the residents in Canada). The system is most rigidly observed there in Japan as every passenger is examined on board of the steamer prior to her departure, and those who are found without passports are ordered back on shore by the police authorities under the penalty of heavy fines.

I may add that Hon. Mr. S. Morikawa, Japanese Consul at Vancouver, wired me this morning that according to the report furnished him by the United States Immigration Agent there were 895 Japanese who left British Columbia during last fiscal year—from July, 1901, to June, 1902. This is practically more than the arrivals of Japanese during that period. It is the fact that many hundreds of Japanese in British Columbia are leaving there for the United States on account of the local agitation and oppressive measures adopted against our people by both the provincial and municipal authorities.

TATSZGORO NOSSE.

MONTREAL, 30th March, 1903.

Right Hon. Sir Wilfrid Laurier,
Premier and President of the Council.
Ottawa.

In answer to my cablegram to the Imperial Japanese Government advising them to continue the policy of restricting their people immigrating in any large number into British Columbia. I have received a cable instruction to the effect that I have to give your government the renewed assurances that the Japanese government are not desirous of forcing their people into British Columbia against the wish of the province, and that they are willing to enter into an agreement with your government by which they may bind themselves, if their present policy of rigid restriction is not deemed satisfactory to your government.

T. NOSSE, Consul General of Japan.

1497 L.

The Japanese Consul General to His Excellency the Governor General of Canada.

IMPERIAL CONSULATE GENERAL, MONTREAL, May 20th, 1903.

His Excellency the Right Honourable Earl of Minto, Governor General of Canada, &c., &c., &c.

Sir, Your Excellency,—Under instruction of His Imperial Japanese Majesty's government. I have the honour of calling Your Excellency's attention to the following Bills that were passed by the British Columbia Legislative Assembly at present in session, and that have become the law, being assented by the Lieutenant Governor of the province, namely:—

1. The Act intituled: 'An Act to regulate Immigration into British Columbia.'

2. The Act intituled: 'An Act relating to the employment on works carried on under franchises granted by private Acts.'

The two Acts are practically the re-enactment of that which were disallowed by Your Excellency's Order in Council twice in succession in 1901 and 1902.

Holding the same view as argued in my despatches of last year under similar circumstances. I have again the honour of drawing your attention to the fact that the Acts referred to are utterly unconstitutional, and unquestionably meant to prohibit the Japanese subjects from residing in and entering British Columbia.

74b—73

Your Excellency is doubtless aware that such legislation as these, with respect to the aliens, is incompetent to a provincial legislature, as only the Dominion Parliament of Canada is empowered to treat upon the subject, and that the object of enactment of these Acts is aimed obviously and solely at the exclusion of the Japanese people from the province in question, since in the case of 'Immigration Law' the Chinese are exempt by the payment of \$800, as provided in section 3, subsection F; and again in the case of 'The Employment on Works carried on under Franchise,' there is another example of strong and deliberate manifestation of discrimmination against the Japanese residents, as the so-called language test does not include the language of Japan, but only those of the European countries, while none of these languages except the English, being spoken in the province in general'.

Knowing your government are fully posted on the question and trusting that they will take measures nothing but fair and just, I need hardly any further argument, but to request that Your Excellency's government will have these obnoxious Acts disallowed at an early date, as the enforcement even for a short period would seriously affect the interest and welfare of the Japanese subjects and the full enjoyment of their rights and privileges entitled by the treaty stipulations would be wrongfully denied

by the local authorities.

T. NOSSE.

His Imperial Majesty's Consul General for the Dominion of Canada.

P. C. 1263.

IMPERIAL CONSULATE GENERAL OF JAPAN FOR THE DOMINION OF CANADA.

MONTREAL, July 18, 1903.

The Right Hon. Sir Wilfrid Laurier,
Prime Minister of Canada, &c., &c.
Ottawa.

Dear Sir.—In answer to my cable inquiries to Baron Komura, Minister of State for Foreign Affairs, re the number of passports issued to Japanese, destined for Canada, His Excellency cabled to me this morning to the following effect:

'New passports issued to the Japanese subjects of all descriptions, including students, merchants, emigrants and their families, for Canada for last three years were as follows:—

1901		 	 	 	 165
1902		 	 	 	 185
1903 (four m	onths)		 	 	 87

The Consul Morikawa at Vancouver, B.C., has also furnished me with full particulars, in answer to my telegraphic inquiries, as follows:—

The number of Japanese passengers entering British Columbia supplied by the Dominion Customs of Canada is very nearly correct, although I am sorry to say that there was no distinction made whether these passengers were the old residents coming back or newcomers, or who were merely on transit, staying here only for a few days, before proceeding for their proper destination (the United States).

Out of total number of Japanese passengers landing here by every steamer one-third is bound for the States, the balance, two-thirds, made up of the old residents, their wives and children and a small number of students and merchants are only those who are really meant to stay in the province or elsewhere in Canada. No comparison can well be established with the first six months of a year and the last six months, for this reason that there is in the last six months of a year, a greater number of Japanese going over to Japan and a smaller number coming back here, while in the first six months the case is quite reverse.

It ought to be borne in mind that a corresponding number of Japnese who are going back in Japan every winter must be expected to be back again here in the succeeding spring, either singly or bringing their families with them, as the circumstances might be.

In the case of a Japanese resident leaving for Japan he is to be provided with a certificate of residence by this Consulate, to enable him to be back again here. The total number of the certificates issued were,

1902 (first 1902 (last									
1903 (first	44)	 • •	 • •	 	 	 	 	656 384

There is again an increasing tendency amongst the Japanese here that they find themselves more inclined to settle down in Canada, and thereby the necessity of bringing over their wives to make permanent residences here and to have their children receive English education. This very fact may necessarily add one or two persons more to an old resident, when he is coming back.

To give an idea how the number of Japanese arrivals supplied by the immigration officers is grossly exaggerated and is found insufficient to give any evidences, I may refer to the following cases of SS. Empress of Japan and other steamers, which arrived here in June.

Empress of Japan—	
On transit. Students. Old residents. Their wives Passed language exams.	4 28 11
	84
Riojin—	
Old resident	3
Iyo—	
Old residents	9
Athenion—	
On transit	12 7 2
Shawmut—	01
	00
On transit	
	27

Empress of China—	
On transit	10
Old residents	16
Their wives	
Children	
Passed exams	
Merchants	3
	41
The total number of 201 for the month of June may be thus divi	ided:—
On transit	81
Old residents	73
Their wives	22
Children	
Merchants	
Students	
Passed exams	10
	001
	201

Thus, out of 201, for instance, only 10 or 15 per cent may be new-comers who hold the new passports. The officer here in charge of the immigration should therefore report this fact to their superiors, instead of representing the whole number to have been new-comers. It must again be remembered that among these old residents there are many who are naturalized citizens of Canada.

There are no Japanese coming from the Hawaiian Islands; a great number of Japanese keep on coming from and going to the United Sates across the boundary. The table prepared by the United States immigration agent here shows the number of the Japanese who left for the States in 1901 to be 1,706, and in 1902 to be 895. These great numbers of departures the British Columbia officers do not take trouble of deducting from the total annual arrivals, thereby the alleged influx of our people in this province. I may also add that these great numbers of Japanese who keep going backward and forward across the international boundaries are all naturalized citizens of Canada, who stay during winter in the States for their work.'

I have the honour of assuring you once again that the Japanese government is not disposed to issue the passports any more than necessary. Any number of new permits under 200 per annum cannot be said to be very large, considering the fact that in this number not only the wives and children of the old residents, but also merchants and students, and even the consult and his family, are included.

I trust that your fair and impartial judgment will at once approve the above statement supplied by Mr. Consul Morikawa that neither the government of Japan nor their people have ever taken the advantage of the disallowance, as alleged to have been so by the British Columbia immigration officers.

TATSZGORO NOSSE.

His Imperial Japanese Majesty's Consul General.

P. C. 1264.

IMPERIAL CONSULATE GENERAL OF JAPAN FOR THE DOMINION OF CANADA.

MONTREAL, July 20, 1903.

The Right Honourable

Sir Wilfrid Laurier, &c., &c., &c., &c., &c.,

Dear Sir.—I have the pleasure of forwarding to you herewith enclosed a list of Japanese passengers, landed in British Columbia during the month of June, with

the descriptions and destinations of these passengers, prepared by Mr. Consul Morikawa, of Vancouver, B.C. He states 211 arrivals are unusually large numbers, as there were 83 old residents who came back from their visits in Japan to resume their business on fisheries in the province and 81 on transit to the United States and even to Mexico. He attributes this arrival of a large number of travellers to the cheap rates of fares on the part of the Canadian Pacific Railway steamers, as the Japanese lines carried only but 12. He also says that actual new arrivals for the month were but 47 including 22 wives, 8 children, 3 merchants, 4 students and 10 who passed the language test, and who were labourers.

TATSZGORO NOSSE, H.I.J.M. Consul General.

LIST OF ARRIVALS OF JAPANESE PASSENGERS IN JUNE, 1903.

Steamers.	Empress of Japan.	Riojin.	Iyo.	Athenian.	Empress of China.	Shawmut.	Total.
Date	2nd	3rd	16th	21st	23rd	27th	
Old residents	38	3	9	12	16	5	83
Their wives	11	0	0	7	4	0	22
Their children	0	0	0	2	6	0	9
On transit	34	0	0	15	10	22	81
Merchants	0	0	0	0	3	0	3
Students	4	0	0	0	0	0	4
Passed the test				,			
Total		1				27	

68 M.

The Japanese Consul General to His Excellency the Governor General of Canada.

IMPERIAL CONSULATE GENERAL OF JAPAN, FOR THE DOMINION OF CANADA,

26th February, 1904.

Right Honourable the Earl of Minto, Governor General of Canada:

SIR, Your Excellency,—I' have the honour of calling Your Excellency' attention to my previous despatch under date of the 20th May, 1903, in which I presented my protest under the instruction of His Imperial Japanese Majesty's Minister of State for Foreign Affairs, against the following Acts, enacted by the British Columbia legislature during their session of 1903, namely (1) An Act to Regulate Immigration into British Columbia, (2) An Act relating to the employment on works carried

on under franchises granted by Private Acts, (3) An Act relating to the Coal Mine Regulations.

In my former despatch I had the honour of asking Your Excellency's government that they would take the earliest measures to have these Acts disallowed, as their existence would lead to the constant irritation and annoyance to our most friendly relations now existing between Japan and Canada. It is almost a year since these acts had been enacted and had fully come into force in British Columbia, but I greatly regret to note that they have not yet been disallowed, although the time limit for such disallowance may very soon expire.

I have the honour of drawing Your Excellency's attention to the fact that while the said Acts of 1903 still remain in force, the British Columbia legislature on the 9th instant enacted another Act, entitled: An Act to Regulate Immigration into British Columbia.' This Act is quite identical with that of 1903 in every way, only difference in the new Act being much more rigid and severe in the execution and enforcement of the law.

The fact that this new Act being enacted solely against the Japanese people, as it has always been so is indisputable, and can be proven by several speeches made during the debate by the members of the British Columbia legislature during last session, as shown in the copy of a 'Hansard,' which is herewith anexed, as numer one.

I see no reason why the British Columbia Legislature is so very persistent in taking such a high-handed and unfriendly measures against the Japanese people, and why this Act should be tolerated to any length of time, without being disallowed. Your Excellency's government, doubtless, should be aware of the Japanese government enforcing her voluntary restrictions on her people emigrating to British Columbia, as your Prime Minister has been supplied from time to time with the list of Japanese arrivals in that province. The copies of these tables are herewith annexed as numbers two and three. According to these tables, Your Excellency will note that the passports issued by the Japanese government were in 1901, 165; 1902, 165; 1903 (four months), 97; and the total numbers of Japanese people landed during last seven months, ending in December, 1903, in British Columbia, were 1,425, but those who remained in that province were only 217, including old residents and their wives and children, a great majority being on their way to the United States. The numbers shown on the tables can further be proven by the statements made by the Brit ish ('olumbia provincial immigration officers before the special committee appointed to investigate the violation of the Immigration Act held last month at Victoria. The officer stated that 'during 1903 about 95 per cent of the Japanese having passports had them for the United States.' Another officer made a statement that two-thirds or 90 per cent of the Japanese who entered, left the province. These self-evidence on the part of the British Columbia government will show that only five to ten per cent of whole number of the Japanese people landed there, remained in the province, which can neither be said to be a large influx, nor to be a large addition to already fast decreasing Japanese population in British Columbia.

I do not doubt for a moment that Your Excellency's government will take the earliest measures to have both Acts of 1903 and 1904 disallowed at the same time, as you are well aware that these Acts are solely aimed at a discrimination against the Japanese people, and the enforcement, therefore, of these laws, especially that of 1904, will seriously affect the interest and dignity of our people.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideraation.

TATSZGORO NOSSE,

Consul General for Japan.

On the second reading of the Act to regulate immigration into British Columbia, the Attorney General said that this Act was intended to prevent the introduction of almost a direct copy of the Natal Act. By means of it he believed the province would have in its hands the power to exclude all classes of undesirable immigration.

Mr. J. A. Macdonald asked with respect to the constitutionality of the Act. He believed that similar Acts had been held to be unconstitutional.

The Attorney General said that the Dominion authorities had no power to disallow because a Bill was unconstitutional. It might be disallowed if contrary to the policy of the Dominion authorities.

Mr. Macdonald asked the Attorney General if he had considered whether the Act was constitutional or not.

The Attorney General said he had not the least doubt about it.

The Bill was then committeed with J. R. Brown in the chair.

Mr. Paterson pointed out that this Act would debar persons from Eastern Canada from coming into this province if they could not read. He considered it was a disgrace that a native-born Canadian, who, through misfortune, was unable to read and write, should be debarred from entering.

The Attorney General held that it was impossible to find 500 men in Canada who could not read or write.

An amendment introduced by Mr. Evans, excluding residents of the Dominion of Canada from the operation of the Act, was carried.

On the sections making it a penalty for the master of a vessel bringing in prohibited immigrants, Mr. McInnes pointed out that the government was but paving the way for disallowance. It should be made broad so as to apply to persons coming in from every direction, and then it could not be said to be pointed directly at Japanese. The Japanese were the only objectionable class coming in by steamer to whom this would apply. Advantage might be taken for this to disallow the Act.

The Attorney General said that the government would put it through in this form and this alone.

Mr. McInnes said upon the heads of the government would fall the responsibility. He wanted to go on record on this matter.

Mr. J. Oliver, before the Act was passed, proposed that provision be made to allow of particular friends of the government making arrangements for their friends callecting a fee of \$2 for immigrants entering.

The Bill was reported.

No. 2.

Actual number of passports issued by the Japanese government to their people, who left for Canada in the years 1901,1902 and 1903:—

	150	11.	150	32.	1903 (4 Months.)		
	Male.	Female.	Male.	Female.	Male.	Female.	
Students	15 39 46 25 3	' 0 1 21 4 1	16 55 47 29 4	0 6 24 3 1	5 27 26 17 0	0 1 10 13 0	
Totals	138	65	141	34	73	-	

The families include wives and children of the old resident in British Columbia.

The professionals include all kinds of men of professions, such as physicians, teachers, clergymen, agriculturists, chemists, &c., and their assistants and those who make studies of the same.

No. 3.

Numbers of arrivals of Japanese passengers in British Columbia during the seven months from June to December, 1903: Merchants, 7; travellers, 1,208; students, 12; old residents and families, 188, passed test, 10; total, 1,425.

IMPERIAL CONSULATE GENERAL OF JAPAN FOR THE DOMINION OF CANADA.

MONTREAL, March 19, 1904.

The Right Honourable

Sir Wilfrid Laurier. &c., &c., &c., &c.,

Dear Sir.—You are already aware that I have sent to His Excellency the Governor General an official protest against the re-enactment of British Columbia Immigration Act and at the meantime asking him that his Government will take prompt steps to have the said Act be disallowed together with that of last year—1903.

My personal explanation to you at our last interview, I trust have convinced you that the Japanese Government has been faithful to her promises and the people

in British Columbia have no real cause of agitation.

The Japanese Government is very anxious, while depending upon the friendly attitude of your Government toward Japan, to know if the earliest steps could be taken to disallow the said Acts, the very existence of which appears to be the only barrier to the friendly and cordial relations between the two nations concerned, while both of which are so very eager to promote commercial relations between themselves, and there is very strong fact of steady growth of the trade.

T. NOSSE.

942.

BRITISH COLUMBIA.—3 EDWARD VII., 1903.—4TH SESSION—9TH LEGISLATURE.

Report of the Honourable the Minister of Justice, approved by His Excellency the Governor General in Council on the 23rd March, 1904.

DEPARTMENT OF JUSTICE, OTTAWA, June 5, 1903.

To His Excellency the Governor General in Council:

The undersigned has had under consideration an Act of the legislature of the province of British Columbia, passed at the last session thereof, and assented to by the Lieutenant Governor on May 4, 1903, intituled: 'An Act relating to the employment on works carried on under franchises granted by private Acts,' the same having been received by the Secretary of State for Canada on May 15, last.

The undersigned observes that this Act corresponds with chapter 38 of the British Columbia statutes, 1902, bearing the same title which was disallowed by order of Your Excellency in Council approved on 5th December, 1902. A similar Act passed in the year 1901 was disallowed by order of Your Excellency in Council on 11th September, 1901.

Upon the grounds stated for the disallowance of the previous corresponding Acts, the undersigned recommends that the Act now in question be disallowed.

Respectfully submitted.

C. FITZPATRICK,

Minister of Justice.

354.

Report of the Honourable the Minister of Justice, approved by His Excellency the Governor General in Council on the 23rd and 26th March, 1904.

DEPARTMENT OF JUSTICE, OTTAWA, 1st October, 1903.

To His Excellency the Governor General in Council:

The undersigned has had under consideration the following Acts of the legislature of the province of British Columbia, passed at the last session thereof, viz.:—

Chapter 12, intituled: 'An Λ ct to regulate immigration into British Columbia.' Chapter 14, intituled: 'An Λ ct relating to the employment on works carried on

under franchises granted by private Acts;' and

Chapter 17, intituled: 'An Act further to amend the Coal Mines Regulation Act.'
These Acts correspond with chapters 34, 38 and 48, bearing the same titles, which were disallowed on the report of the undersigned of 14th November. 1902. approved by Your Excellency on 5th December, 1902.

Upon the grounds stated in the said report for the disallowance of the previous corresponding Acts, the undersigned recommends that the three Acts above mentioned

be disallowed.

Humbly submitted,

C. FITZPATRICK,

Minister of Justice.

943.

Prochamation Disallowing Chapter 14.

AT THE GOVERNMENT HOUSE AT OTTAWA.

The 23rd day of March, 1904.

PRESENT:

His Excellency the Governor General in Council.

Whereas the Lieutenant Governor of the province of British Columbia, with the Legislative Assembly of that province, did on the 4th day of May, 1903, pass an Act, which has been transmitted, chaptered 14, and intituled: 'An Act relating to the employment on works carried on under franchises granted by private Acts.'

And whereas the said Act has been laid before the Governor General in Councel. together with a report from the Minister of Justice, recommending that the same be

disallowed.

The Governor General in Council has thereup on this day been pleased to dec'are his disallowance of the said Act, and the same is disallowed accordingly.

Whereof the Lieutenant Governor of the province of British Columbia and all other persons whom it may concern are to take notice and govern themselves accordingly.

JOHN J. McGEE, Clerk of the Privy Council.

I, Sir Gilbert John Elliott, Earl of Minto, Governor General of Canada, do hereby certify that the Act passed by the legislature of the province of British Columbia, on the 4th day of May, 1903, chaptered 14 and intituled: 'An Act relating to the employment on works carried on under franchises granted by private Acts,' was received by me on the 15th of May, 1903.

Given under my hand and seal this 23rd day of March, 1904.

MINTO.

1678-79.

Proclamation Disallowing Chapters 12 and 17.

AT THE GOVERNMENT HOUSE AT OTTAWA.

The 26th day of March, 1904.

PRESENT:

His Excellency the Governor General in Council.

Whereas the Lieutenant Governor of the province of British Columbia, with the Legislative Assembly of that province, did on the 4th day of May, 1903, pass two certain Acts, which have been transmitted, chaptered respectively 12, intituled: 'An Act to regulate immigration into British Columbia,' and 17, intituled: 'An Act further to amend the Coal Mines Regulation Act.'

And whereas the said Acts have been laid before the Governor General in Council, together with a report from the Minister of Justice recommending that the same should be disallowed.

Therefore the Governor General in Council has this day been pleased to declare his disallowance of the said Acts, and the same are hereby disallowed accordingly.

Whereof the Lieutenant Governor of the province of British Columbia and all other persons whom it may concern are to take notice and govern themselves accordingly.

JOHN J. McGEE, Clerk of the Privy Council.

I, Sir Gilbert John Elliott, Earl of Minto, Governor General of Canada, do hereby certify that the Act passed by the legislature of the province of British Columbia on the 4th day of May, 1903, chaptered 12, and intituled: 'An Act to regulate immigration into British Columbia,' and 17, intituled: 'An Act further to amend the Coal Mines Regulation Act,' respectively, were received by me on the 15th day of May, 1903.

Given under my hand and seal this 26th day of March, 1904.

MINTO.

1679.

Extract from a Report of the Honourable the Minister of Justice, dated 8th January, 1904, approved by His Excellency the Governor General in Council on the 23rd March, 1904.

3 Edward VII.—Received by the Secretary of State on 25th June, 1903.

Chapter 8, intituled. 'An Act to ratify an Order in Council approved on the eighteenth day of March, 1902, rescinding certain providens of an Order in Council approved on the fourth day of September, 1901, respecting the land grant of the Columbia and Western Railway Company.'

The undersigned reserves this Act for further consideration, inasmuch as he understands that objections are urged against it on behalf of the railway company whose title is thereby affected.

Chapter 12, intituled: 'An Act to regulate immigration into Pritish Columbia.' Chapter 14, intituled: 'An Act relating to the employment on works carried on under franchises granted by private Acts.'

Chapter 17, intituled: 'An Act to further amend the "Coal Mines Regulation Act."

The undersigned has already reported recommending the disallowance of these three Acts for the reasons upon which similar Acts have heretofore been disallowed.

Chapter 30, 'An Act to incorporate the 'Adams River Railway Company."'

Chapter 32, 'An Act to incorporate the British Co'umbia Northern and Mackenzie Valley Railway Company.'

Chapter 33, 'An Act to incorporate the "Flathead Valley Railroad Company."' Chapter 34, 'An Act to incorporate the Kootenay, Cariboo and Pacific Railway Company.'

Chapter 35, 'An Act to incorporate the Kootenay Development and Tramways Company.'

Chapter 37, 'An Act to incorporate the Morrissey, Fernie and Michel Railway Company.'

Chapter 38, 'An Act to amend the "Nicola, Kamloops and Similkameen Coal and Railway Company Act, 1891."

Chapter 39, 'An Act to incorporate the Pacific Northern and Eastern Railway Company.'

Chapter 42, 'An Act to amend the "Vernon and Nelson Telephone Company Act, 1891."

Each of these Acts contains a provision in effect that the Act shall not come into force until the company shall give security to the satisfaction of the Lieutenant Governor in Council, that in the event of Dominion legislation bringing the company under the exclusive jurisdiction of the parliament of Canada, the authority of the Lieutenant Governor in Council to fix maximum rates for freight and passenger traffic shall be secured, as matter of contract and obligation of the company. This provision corresponds with that contained in previous Acts of British Columbia, the objections to which were stated by the Minister of Justice at the time. These chapters are subject to the same comment, but may for the same reasons be left to their operation.

C. FITZPATRICK,

Minister of Justice.

P. C. 638.

IMPERIAL CONSULATE GENERAL OF JAPAN FOR THE DOMINION OF CANADA,
MONTREAL, April 4, 1904.

To Sir Wilfrid Laurier, G.C.M.G., Prime Minister of Canada, &c., &c., &c.

Dear Sir,—I have the honour of informing you that I am this day in receipt of a cable instruction from His Excellency Baron Komura, His Imperial Japanese Majesty's Minister of Foreign Affairs, to convey to your government the highest appreciation of the most friendly attitude once more shown toward the Japanese government by the Canadian government, by having disallowed these Acts enacted in 1903 by the British Columbia legislatures against the honour and dignity of the Japanese nation and also to convey to your government the earnest desire of the Japanese government that the removal of their representative to the seat of federal government may result in the closer relations between the governments of Japan and Canada and also in the steady growth of trade and commerce between the two nations.

TATSZGORO NOSSE,

Consul General of Japan.

(Approved by Order in Council, November 16, 1904.)

DEPARTMENT OF JUSTICE,

OTTAWA, October 29, 1904.

To His Excellency the Governor General in Council:

The undersigned has the honour to submit his report on the statutes of the several provinces, passed at the last session of the legislatures thereof (1904), as follows:—

* * * *

British Columbia; 3 and 4 Edward VII; received by the Secretary of State on January 4, 1904.

These Acts may be left to such operation as they may have, except chapter 15, intituled 'An Act respecting the constitution, practice and procedure of the Supreme Court of British Columbia and for other purposes relating to the administration of justice.

Section 5 contains a provision that the persons to be appointed judges of the Supreme Court of British Columbia shall be barristers-at-law of not less than ten years standing, of which ten years they shall have been for five years actively engaged in practice at the Bar of British Columbia.

This provision is, in the opinion of the undersigned, ultra vires, and ought not to be allowed to stand. A similar enactment by the Province of Nova Scotia was considered some years ago by the Department of Justice, and the Minister recommended that it be disallowed unless repealed by the legislature. See the order in council setting forth the reasons of the Minister, approved by His Excellency the Governor General on November 19, 1896 (Provincial Legislation, 1896-8, pages 12 to 14.)

For the same reason the undersigned recommends that inquiry be made immediately of the Licutenant Governor of British Columbia as to whether the clause in question will be repealed within the time limited for disallowance. The Lieutenant Governor's reply when received should be referred to the undersigned for further consideration.

Chapter 17, intituled 'An Act to consolidate and amend the law respecting the qualification and registration of electors, the regulation of elections of members of the Provincial Legislative Assembly, and the trial of Controverted Elections.'

Chapter 26, intituled 'An Act to regulate Immigration into British Columbia,' and

Chapter 39, intituled 'An Act to Amend the "Coal Mines Regulation Act" are resserved for further report.

Chapter 54, intituled 'An Act to secure certain Pioneer Settlers within the Esquimalt and Nanaimo Railway Land Belt their surface and under-surface rights,' has been already considered and left to its operation by Order in Council of June 21 last.

Chapter 62, intituled 'An Act to amend "The Vancouver Incorporation Act, 1900."

There has been referred to the undersigned copy of the petition of the city of Vancouver praying that this Act be disallowed on the grounds therein stated.

The petitioners are opposed to having a board of police commissioners for the city, and they allege that the Bill was unduly hastened through the legislature; also that the facts of the case were misrepresented and that there was breach of faith.

These reasons, however, do not affect the validity or character of the legislation of far as the capacity of the legislature goes, and the undersigned considers that the grievance of the city, if any exists, should be adjudged by the legislature, which has authority to remedy it, and that it would not be within the province of Your Excellency's government to take any action based upon any view which it may hold as to the facts and reasons urged for disallowance.

The undersigned does not, therefore, recommend any interference with this Act, but he recommends that the city of Vancouver be informed of the grounds of this report and the conclusion of Your Excellency's Government upon the petition.

The undersigned recommends that a copy of this report, if approved, so far as it relates to each province, shall be communicated to the Lieutenant Governor of the province.

Humbly submitted, C. FITZPATRICK,

Minister of Justice.

2140.

(Approved by Order in Council 29 December, 1904.)

November 16, 1904.

To His Excellency the Governor General in Council:

The undersigned has the honour to report that chapter 17 of the Acts of British Columbia passed at the last session of the legislature (1904) intituled:

'An Act to consolidate and amend the law respecting the qualification and registration of electors, the regulation of the election of members of the Provincial Legislative Assembly, and the trial of Controverted Elections'

provides among other things that every male of the full age of twenty-one, not being disqualified by this Act, or by any other law in force in the province, being entitled within the province to the privileges of a natural-born British subject, and being able to read the Act or any portion thereof to the satisfaction of the registrar if required so to do, having resided in the province for six months, and in the electoral district in which he claims to vote for one month, and being duly registered, shall be entitled to vote.

The general intention is apparently to extend the right to vote to male British subjects of the age of twenty-one years resident in the province. It is provided, howover, that no Chinaman, Japanese or Indian shall have his name placed on the register of voters for any electoral district, or be entitled to vote at any election; and by the interpretation clause the words 'Chinaman' and 'Japanese' are defined to include any person of these races respectively whether naturalized or not.

The Naturalization Act, R.S.C., chapter 113, section 15, provides that an alien to whom a certificate of naturalization is granted shall within Canada be entitled to all political and other rights, powers and privileges, and be subject to all obligations to which a natural-born British subject is entitled or subject within Canada.

The undersigned does not doubt that a legislature may define the local franchise, but he considers that Your Excellency's Government ought not to approve of the policy of a legislature withholding from naturalized British subjects merely because of their race or naturalization rights or privileges conferred generally upon natural-born British subjects of the same class. Parliament having exclusive authority with regard to naturalization and aliens has, the undersigned apprehends, the right to declare what the effect of naturalization shall be, and local legislation which is intended to interfere or has the effect of interfering with the apparent policy of parliament in the exercise of its powers with regard to any subject may, in the opinion of the undersigned, even if it can be held to be intra vires of the legislature, properly be disallowed by Your Excellency. It appears to the undersigned to be quite undesirable in the public interest that

naturalized British subjects should be made subject to a disability or exceptional treatment having regard to the rights conferred upon British subjects generally, and he understands that that view is expressed or implied in the section of the Naturalization Act above referred to. The undersigned would for that reason recommend disallowance were it not for the fact that the provisions in question are merely re-enactments of similar provisions which have been standing in the British Columbia Election Acts for a number of years. The disallowance of the present statute would not, therefore, affect the law of British Columbia in this particular.

The undersigned hopes, however, that this matter will be further considered by the provincial legislature, and such amendments made as may be necessary to remove the objections herein stated.

Chapter 39, 'An Act to amend the Coal Mines Regulation Act,' contains only one provision. It in amendment of section 2 of the Coal Mines Regulation Act, R.S.B.C. (1897), chapter 138, whereby it is enacted that "the words Chinamen and Chinese" shall include any person or persons of the Chinese blood or race whether born within the limits of the Chinese Empire or its dependencies or not, and shall not be affected by naturalization.'

This is an interpretation clause and of course has no effect except as defining these terms mentioned therein where they appear elsewhere in the Act.

Referring to the amended Act it is provided by section 4 that 'no boy under the age of twelve years, and no woman or girl of any age, and no Chinaman shall be employed in or allowed to be for the purpose of employment in any mine in which this Act applies below ground.'

By section 12 it is provided that any person who contravenes or fails to comply with any provision of the Act with respect to the employment of Chinamen shall be guilty of an offence against the Act, and by section 82, rule 34, no Chinaman shall occupy any position of trust or responsibility in or about a mine whereby through his ignorance, carelessness or negligence he might endanger the life or limb of any person therein employed. These so far as the undersigned has discovered are the only provisions of the amended Act expressly relating to Chinamen. Section 4, above quoted, was held ultra vires by the Judicial Committee of the Privy Council in the case of the Union Colliery of British Columbia vs. Bryden, 1899, appeal case, p. 580, as legislation affecting naturalization and aliens. Upon the same principle the undersigned assumes that the other provisions of the amended Act to which he has called attention are ultra vires and the question arises as to what can be the intention of the legislature in extending the meaning of the word 'Chinaman' in this Act where it has been held by the highest judicial authority incompetent to the legislature to exact the provisions in which the word occurs.

The amending Act is also objectionable as apparently attempting to deprive naturalized Chinamen on account of their naturalization, of rights which they now have.

For these reasons it appears to the undersigned that this Act should be disallowed. Before recommending such action to be taken, however, he considers that a copy of this report, if approved, should be transmitted to the Lieutenant Governor of British Columbia for any explanation or remarks which he may desire to offer, and that he be particularly requested to inform Your Excellency's government as soon as possible as to what object within the legislative capacity of the assembly is intended to be accomplished by this Act. Upon receiving a reply from the Lieutenant Governor it should be referred to the undersigned for further consideration.

Humbly submitted.

C. FITZPATRICK,

Minister of Justice.

2138.

(Approved by Order in Council, 20th January, 1905.)

16th November, 1904.

To His Excellency the Governor General in Council:

The undersigned has had under consideration chapter 26 of the Acts of British Columbia, passed at the last session of the legislature (1904) intituled 'An Act to regulate immigration into British Columbia.'

This Act bears the same title and is essentially of the same effect as other Acts of the province which have during recent years been disallowed by Your Excellency. It prohibits the immigration into British Columbia (subject to certain exceptions) of any person who when asked to do so by an officer fails to write out at dictation in the character of some language of Europe and sign in the presence of the officer a passage of fifty words in length in European language directed by the officer. Among other immigrants excepted from this prohibition are those excepted by certificate in writing of the Minister charged with the administration of the Act or of any officer appointed to enforce its provisions. Power is conferred to prevent prohibited immigrants from entering the province and to deport those who have entered. and masters of vessels arriving at ports in the province with passengers are required to submit their passenger lists and answer questions and assist the provincial officers in the performance of their duties under the Act. Regulations may be made by the Lieutenant Governor in Council to empower officers to determine whether any person is a prohibited immigrant and to prescribe a tariff of fees to be paid by persons to cover any expenses which may be incurred in determining whether such persons are or are not prohibited immigrants.

This Act, therefore, contains all the provisions which have been condemned in the British Columbia Immigration Acts recently disallowed. The grounds of objection to these Acts have been stated and reiterated on behalf of Your Excellency's government. See particularly the reports of the Minister of Justice of 5th January and 4th September, 1901, upon which the Act to Regulate Immigration into British Columbia of 1900 was disallowed.

The undersigned does not consider, in view of the past correspondence and action of Your Excellency's government having regard to such legislation, that any object is to be attained by further communication with the local authorities, and he recommends following the decision which was previously reached, and the course adopted on previous occasions, that this Act be disallowed. He recommends further that a copy of this report, if approved, be transmitted to the Lieutenant Governor of British Columbia for the information of his government.

Humbly submitted,

C. FITZPATRICK.

Minister of Justice.

2139.

AT THE GOVERNMENT HOUSE AT OTTAWA.

The 20th day of January, 1905.

PRESENT:

His Excellency the Governor General in Council.

Whereas the Lieutenant Governor of the province of British Columbia with the Legislative Assembly of that province did on the 10th day of February, 1904, pass an 74b—8

Act which has been transmitted, chapter 26, and intituled 'An Act to regulate immigration into British Columbia.'

And whereas the said Act has been laid before the Governor General in Council together with a report from the Minister of Justice, recommending that the same should be disallowed.

Therefore the Governor General in Council has thereupon this day been pleased to declare his disallowance of the said Act, and the same is hereby disallowed accordingly.

Whereof the Lieutenant Governor of the province of British Columbia and all other persons whom it may concern are to take and notice and govern themselves accordingly.

JOHN J. McGEE, Clerk of the Privy Council.

I, Sir Albert Henry George, Earl Grey, Governor General of Canada, do hereby certify that the Act passed by the Legislature of the Province of British Columbia, on the 10th day of February, 1904, chaptered 26, and intituled 'An Act to regulate immigration into British Columbia,' was received by the Governor General of Canada on the 24th day of March, 1904.

Given under my hand and seal at Ottawa this 20th day of January, 1905.

GREY.

 $425\frac{1}{2}M$

The Honourable

The Secretary of State,

Ottawa, Canada.

27th January, 1905.

AT GOVERNMENT HOUSE, VICTORIA, B.C.

SIR,—I have the honour to forward herewith a copy of a report of the Attorney General (drawn after due consideration of the views expressed in the report of the Honourable the Minister of Justice) approved on the 26th inst., relating to the 'Provincial Elections Act' and the 'Coal Mines Regulation Act Amendment Act, 1904.'

HENRI G. JOLY DE LOTBINIERE,

Lieutenant-Governor.

Copy of a Report of a Committee of the Honourable the Executive Council, approved by His Honour the Lieutenant Governor on the 26th day of January, 1905.

The Committee of Council have had under consideration a report herewith, dated January 19, 1905, from the Attorney General, upon the report of the Minister of Justice of November 16, 1904, with respect to certain provisions of chapters 17 and 39 of the Acts of British Columbia, 1903-1904, intituled the 'Previncial Elections Act' and the 'Coal Mines Regulation Act Amendment Act, 1904.'

The committee concur in the report of the Attorney General and submit the same for approval.

CHARLES WILSON.

Clerk, Executive Council.

To His Honour the Lieutenant Governor in Council:

The undersigned has the honour to refer to Your Honour's letter of the 17th January, 1905, to the Provincial Secretary, inclosing report of the Minister of Justice

to His Excellency the Governor General upon chapters 17 and 39 of the Statutes of British Columbia for the years 1903-1904, being the 'Provincial Elections Act' and the 'Coal Mines Regulation Act Amendment Act, 1904.'

With regard to chapter 17, the provisions objected to are those contained in section 6, which provides that no Chinaman, Japanese or Indian shall have his name placed upon the register of voters. That section interpreted, as the Minister points out, includes not only alien Chinese, but also persons of the Chinese race who, acting in conformity with the Dominion Naturalization Act, become British subjects. The position that Your Honour's Ministers and Legislature have assumed upon this subject is one of grave objection to any one of the class of persons mentioned in the section, being placed upon the voters' list.

The undersigned observes that the Minister expresses the hope 'that this matter will be further considered by the Provincial Legislature, and such amendments made as may be necessary to remove the objections herein stated.'

With respect to this, in view of the opinion that the undersigned has already expressed, and with the knowledge that Your Honour's Ministers have of the feeling throughout the province, and also the views of the majority of the members of the legislature, perhaps the whole of them, Your Honours, Minister cannot recommend, nor take the responsibility of adopting the suggestion of the Minister of Justice that the matter should be further considered by the legislature. The only way in which Your Honour's Ministers would feel justified in testing the views of the legislature would be by bringing down the report of the Minister of Justice and asking for an expression of opinion, but the undersigned is quite certain as to what the result would be, and hence it seems hardly proper to subject the views of the Minister of Justice to such a severe test. The general consensus of opinion throughout the province is very strongly in support of the view that these persons should not be permitted to be on the voters' list. As the Minister of Justice points out, disallewance would not change the law upon the subject, and that the province has the undoubted right to prohibit any person or set of persons from being placed upon the voters' list has been determined by the Privy Council in the case of Cunningham vs. Tomey Homma, reported in Appeal Cases, 1903, page 151.

Chapter 39 is an Act to amend the Coal Mines Regulation Act, and is intended for the purpose of interpreting the words 'Chinaman' and 'Chinese' when used in connection with the Act. The words 'Chinaman' and 'Chinese,' in the province of British Columbia have been used very largely to express the idea of race rather than nationality, and it was for the purpose of obviating any doubt upon this subject

that this short Act was passed.

The question whether section 82, rule 34 is within the powers of the Provincial Legislature is one of the matters which are now pending before the Judicial Committee of the Privy Council; therefore, the undersigned hopes that the Act will not be disallowed, but that all questions as to its constitutionality may be left to be determined by the judicial tribunal at present seized of the whole question.

The Minister of Justice will, in due course, be served with a copy of the proceedings, and will have an opportunity, if desired, of appearing before the Privy

Council, or of instructing counsel in the matter.

Dated the 19th day of January, A.D. 1905.

CHARLES WILSON,

Attorney General.

747

(Approved by Order in Council, 28 April, 1905.)

OTTAWA, April 19, 1905.

To His Excellency the Governor General in Council:

The undersigned has had under consideration the following statutes of the Legislative Assembly of British Columbia, assented to on 8th instant, and received by the Secretary of State for Canada on 19th instant, viz.:—

No. 67, 'An Act to regulate immigration into British Columbia';

No. 81, 'An Act relating to the employment on works carried on under franchises granted by Private Acts';

No. 85, 'An Act further to amend the "Coal Mines Regulation Act."

Former enactments of these statutes by the Legislative Assembly of British Columbia have upon previous occasions been fully commented upon and disallowed, and the views of Your Excellency's government with regard to them are well known.

The undersigned does not consider it expedient that the present enactments should remain in force, and the fact that the assembly continues to re-enact these statutes after full discussion, and after they have been several times disallowed, shows that it would be a mere waste of time to communicate with the provincial government with a view to a repeal or modification of these Acts at the hands of the assembly.

The undersigned recommends accordingly that each of the statutes above mentioned be disallowed, and that the Lieutenaut Governor of British Columbia be informed of the action taken by Your Excellency's government.

Humbly submitted.

C. FITZPATRICK.

Minister of Justice.

748

AT THE GOVERNMENT HOUSE AT OTTAWA.

The 28th day of April, 1905.

PRESENT:

The Governor General in Council.

Whereas the Lieutenant Governor of the province of British Columbia with the Legislative Assembly of that province, did on the Sth day of April, 1905, pass an Act to regulate immigration into British Columbia.

And whereas the said Act has been laid before the Governor General in Council, together with a report from the Minister of Justice, recommending that the said Act should be disallowed.

Therefore the Governor General in Council has this day been pleased to declare his disallowance of the said Act and the same is hereby disallowed accordingly.

Whereof the Lieutenant Governor of the province of British Columbia and all other persons whom it may concern are to take notice and govern themselves accordingly.

JOHN J. McGEE,

Clerk of the Privy Council.

I, Sir Henry Albert George, Earl Grey, Governor General of Canada, do hereby certify that the Act passed by the Legislature of the province of British Columbia on the eighth day of April, nineteen hundred and five, chaptered 67, and intituled 'An Act to regulate Immigration into British Columbia,' was received by me on the nineteenth day of April, nineteen hundred and five.

Given under my hand and seal this twenty-eighth day of April, nineteen hundred and five.

GREY.

759

AT THE GOVERNMENT HOUSE AT OTTAWA.

The 28th day of April, 1905.

PRESENT:

The Governor General in Council.

Whereas the Lieutenant Governor of the province of British Columbia with the Legislative Assembly of that province, did on the 8th day of April, 1905, pass an Act which has been transmitted, chaptered 81, and intituled 'An Act relating to the employment on works carried on under franchises granted by private Acts.'

And whereas the said Act has been laid before the Governor General in Council, together with a report from the Minister of Justice, recommending that the said Act should be disallowed.

should be disallowed.

Therefore the Governor General in Council has this day been pleased to declare his disallowance of the said Act and the same is hereby disallowed accordingly.

Whereof the Lieutenant Governor of the province of British Columbia and all other persons whom it may concern are to take notice and govern themselves accordingly.

JOHN J. McGEE, Clerk of the Privy Council.

I. Sir Henry Albert George, Earl Grey, Governor General of Canada, do hereby certify that the Act passed by the Legislature of the province of British Columbia on the eighth day of April, nineteen hundred and five, chaptered \$1, and intituled 'An Act relating to the employment on works carried on under franchises granted by private Acts,' was received by me on the nineteenth day of April, nineteen hundred and five.

Given under my hand and seal this twenty-eighth day of April, nineteen hundred and five.

GREY.

762

AT THE GOVERNMENT HOUSE AT OTTAWA,

28th day of April, 1905.

Present: The Governor General in Council.

Whereas the Lieutenant Governor of the Province of British Columbia, with the Legislative Assembly of that province, did on the 8th day of April, 1905, pass an Act which has been transmitted, chapter 85, and intituled 'An Act further to amend the Coal Mines Regulation Act.'

And whereas the said Act has been laid before the Governor General in Council, together with a report from the Minister of Justice recommending that the said Act should be disallowed.

Therefore the Governor General in Council has this day been pleased to declare his disallowance of the said Act, and the same is hereby disallowed accordingly.

Whereof the Lieutenant Governor of the province of British Columbia and all other persons whom it may concern, are to take notice and govern themselves accordingly.

JOHN J. McGEE, Clerk of the Privy Council.

I. Sir Henry Albert George. Earl Grey, Governor General of Canada, do hereby certify that the Act passed by the Legislature of the Province of British Columbia on the eighth day of April, nineteen hundred and five, chaptered 85, and intituled 'An Act further to amend the "Coal Mines Regulation Act," was received by me on the nineteenth day of April, nineteen hundred and five.

Given under my hand and seal this twenty-eighth day of April, nineteen hundred

and five.

GREY.

Imperial Consulate General of Japan for the Dominion of Canada.

OTTAWA, May 8, 1905.

To the Right Honourable

Sir Wilfrid Laurier, G.C.M.G., P.C.,

Premier of Canada, &c., &c., &c.

Dear Sir,—I have the honour of informing you that I am in receipt of a cable instruction from His Excellency, Baron Komura, the Minister of State for Foreign Affairs, that I shall in behalf of the Imperial Japanese Government tender you their sincere appreciation of the prompt measures taken by the Canadian government in connection with disallowance of certain Acts lately passed by the British Columbian government against the honour and interest of our people.

The Japanese government accepts this news with very great pleasure and satisfaction, especially at the present juncture when they are in need of any friendly feel-

ing on the part of one of their great neighbours across the Pacific.

While trusting in the Canadian government's justice and good faith the Japanese government will always adhere to their policy of voluntary restrictions on their people emigrating to British Columbia.

TATSZGORO NOSSE,

His Imperial Japanese Majesty's Consul General, for the Dominion of Canada.

IMPERIAL CONSULATE GENERAL OF JAPAN.
385 LAURIER AVE. EAST.,

OTTAWA, Sept. 18, 1905.

Hon. SYDNEY FISHER,

&c., &c., &c.

Dear Sir,—I am leaving this note with you, as I will be absent for a few days from the city. I learnt this afternoon from Hon. Mr. Scott, the Secretary of State, that your government was going to exact from Japan a few special concessions on becoming a party to the Anglo-Japanese Treaty. Your government, I understand, proposes to restrict the immigration, coastwise navigation and some other items. It is rather surprising to me that your government, in spite of your statement, is going to ask for such restrictions. The Japanese government will, I am afraid, never

agree to such terms and decline to entertain the questions of allowing Canada into the party, if she will ask Japan to give her special concessions. Japan gives England the right of coastwise navigation;; for instance the C.P.R. steamers at present call at all the open ports in Japan, but Japan will never ask the same privilege and the immigration will always be restricted voluntarily by Japan and I do hope very much that Canada will depend upon our good faith and will not try to put any restrictions by right of treaty. The Queensland treaty is quoted but this treaty does not now exist, since her amalgamation into the Commonwealth, and there is not any treaty at present between the Colony and Japan.

I hope you will do your best not to make any special proposal to the English government, else your endeavours will come to nothing.

NOSSE.

1815

(Approved by Order in Council, September 30, 1905.)

September 18, 1905.

To His Excellency the Governor General in Council:

The undersigned referring to his report of April 19 last, approved by the Governor in Council on April 28 last, has the honour to state that the statutes of the Legislative Assembly of British Columbia thereby recommended to be disallowed were, as stated in the report, as follows:—

No. 67, An Act to regulate Immigration into British Columbia.

No. 81. An Act relating to the employment on works carried on under franchises granted by Private Acts.

No. 85, An Act further to amend the 'Coal Mines Regulation Act.'

The Order in Council based upon this report, however, refers to these statutes as chapter 67, chapter 81 and chapter 85. These statutes as chaptered, however, in the last volume of the annual statutes of British Columbia recently issued are not chaptered as stated in the Order in Council, their chapter numbers being instead chapter 28, chapter 30 and chapter 36 respectively. Lest any question should arise on account of this error as to the effect of the Order in Council and subsequent proceedings thereon, the undersigned recommends that the following statutes of the Legislative Assembly of British Columbia, assented to on April 8, 1905, and received by the Secretary of State for Canada on April 19, viz.:—

No. 67, An Act to regulate Immigration into British Columbia, being chapter 28 of the statutes of British Columbia, enacted at the last session of the Legislative Assembly thereof.

No. 81, An Act relating to the employment on works carried on under franchises granted by private Acts, being chapter 30 of the Statutes of British Columbia, enacted at the last session of the Legislative Assembly thereof.

No. 85, An Act further to amend the Coal Mines Regulation Act, being chapter 36 of the Statutes of British Columbia, enacted at the last session of the Legislative Assembly thereof, be disallowed, and that such disallowance be signified in the usual way.

Respectfully submitted, C. FITZPATRICK,

Minister of Justice.

1816

AT THE GOVERNMENT HOUSE AT OTTAWS

The 16th day of October, 1905.

PRESENT:

The Governor General in Council.

Whereas the Lieutenant Governor of the province of British Columbia with the Legislative Assembly of that province did on the 8th day of April, 1905, pass an Act which has been transmitted. No. 67, 'An Act to regulate Immigration into British Columbia, being chapter 28 of the Statutes of British Columbia enacted at the last session of the Legislative Assembly thereof.

And whereas the said Act has been laid before the Governor General in Council, together with a report from the Minister of Justice recommending that the said Act be disallowed.

Therefore the Governor General in Council is pleased to declare his disallowance of the said Act and the same is hereby disallowed accordingly.

Whereof the Lieutenant Governor of the province of British Columbia and all other persons whom it may concern are to take notice and govern themselves accordingly.

RODOLPHE BOUDREAU,

Clerk of the Privy Council.

I. Sir Albert Henry George, Earl Grey, Governor General of Canada, do hereby certify that the Act passed by the Legislature of the province of British Columbia, on the 8th day of April, 1905, No. 67, 'An Act to regulate Immigration into British Columbia,' being chapter 28 of the Statutes of British Columbia, enacted at the last session of the Legislative Assembly thereof, was received by me on the 19th day of April, 1905.

Given under my hand and seal this 16th day of October, 1905.

GREY.

1837

AT THE GOVERNMENT HOUSE AT OTTAWA.

The 16th day of October, 1905.

PRESENT:

The Governor General in Council.

Whereas the Lieutenant Governor of the province of British Columbia with the Legislative Assembly of that province did on the 8th day of April, 1905, pass an Act which has been transmitted, No. 81, 'An Act relating to the employment on works carried on under franchises granted by private Acts, being chapter 30 of the Statutes of British Columbia enacted at the last session of the Legislative Assembly thereof.

And whereas the said Act has been laid before the Governor General in Council, together with a report from the Minister of Justice recommending that the said Act be disallowed.

Therefore the Governor General in Council is pleased to declare his disallowane on the said Act and the same is hereby disallowed accordingly.

Whereof the Lieutenant Governor of the province of British Columbia and all other persons whom it may concern are to take notice and govern themselves accordingly.

RODOLPHE BOUDREAU,

Clerk of the Privy Council.

I. Sir Albert Henry George, Earl Grey, Governor General of Canada, do hereby certify that the Act passed by the Legislature of the province of British Columbia, on the 8th day of April, 1905, No. 81, 'An Act relating to the employment on works carried on under franchises granted by private Acts," being chapter 30 of the Statutes of British Columbia, enacted at the last session of the Legislative Assembly thereof, was received by me on the 19th day of April, 1905.

Given under my hand and seal this 16th day of October, 1905.

GREY.

1838

AT THE GOVERNMENT HOUSE AT OTTAWA.

The 16th day of October, 1905.

PRESENT:

The Governor General in Council.

Whereas the Lieutenant Governor of the province of British Columbia with the Legislative Assembly of that province did on the 8th day of April, 1905, pass an Act which has been transmitted No. 85, 'An Act further to amend the Coal Mines Regulation Act,' being chapter 36 of the Statutes of British Columbia, enacted at the last session of the Legislative Assembly thereof.

And whereas the said Act has been laid before the Governor General in Council, together with a report from the Minister of Justice recommending that the said Act be disallowed.

Therefore the Governor General in Council is pleased to declare his disallowance of the said Act and the same is hereby disallowed accordingly.

Whereof the Lieutenant Governor of the province of British Columbia, and all other persons whom it may concern are to take notice and govern themselves accordingly.

RODOLPHE BOUDREAU,

Clerk of the Privy Council.

I, Sir Albert George, Earl Grey, Governor General of Canada, do hereby certify that the Act passed by the Legislature of the province of British Columbia, on the 8th day of April, 1905, No. 85, 'An Act further to amend the Coal Mines Regulation Act,' being chapter 36 of the Statutes of British Columbia, enacted at the last session of the Legislative Assembly thereof, was received by me on the 19th day of April, 1905.

Given under my hand and seal this 16th day of October, 1905.

GREY.

2036

(Approved by Order in Council 13th November, 1905.)

November 1, 1905.

To His Excellency the Governor General in Council:

The undersigned has had under consideration the statutes of the province of British Columbia, passed in the fifth year of His Majesty's reign, 1905, received by the Secretary of State for Canada on the 21st day of April last, and he is of opinion that these may be left to such operation as they may have, except the following, which have been or will be specially considered.—

Chapter 10, intituled: 'An Act for licensing commercial travellers.'

Chapter 11, intituled: 'An Act to amend the "Companies Act, 1897."'

Chapter 18, intituled: 'An Act further to amend the Supreme Court Act.'

Chapter 25, intituled: 'An Act further to amend the Game Protection Act, 1898.'

Chapter 28, intituled: 'An Act to regulate immigration into British Columbia.' Chapter 30, intituled: 'An Act relating to the employment on works carried on

Chapter 30, intituled: 'An Act relating to the employment on works carried or under franchises granted by private Acts.'

Chapter 36, intituled: 'An Act further to amend the Coal Mines Regulation Act.' Chapter 45, intituled: 'An Act respecting the Songhees Indian Reservation, Vancouver Island.'

Chapter 61, intituled: 'An Act to incorporate the British Columbia Securities Company,' and

Chapter 64, intituled: 'An Act to incorporate the General Trusts Corporation.'

The undersigned has received a communication objecting to

Chapter 7, intituled: 'An Act respecting Provincial Land Surveyors,' upon the ground that it is unjust and perhaps ultra vires.

The undersigned, considering the objections so raised, is of the opinion, however.

that they do not afford any ground for interference with the statute.

The undersigned further recommends that a copy of this report, if approved, be transmitted to the Lieutenant Governor of British Columbia for the information of his government.

Humbly submitted,
C. FITZPATRICK,

Minister of Justice.

TREATY OF COMMURCE AND NAVIGATION BETWEEN GREAT BRITAIN AND JAPAN.

- 1. 715 J. Colonial Secretary, December 31, 1894, covering copy of treaty signed at London, July 16, 1894. Also protocol signed July 16, 1894, exchange of notes, &c.
 - 1360 J. Colonial Secretary, February 17, 1896, covering supplementary convention, signed at Tokio, July 16, 1895.
- 2. Colonial Secretary, July 15, 1896. For answer re Japanese treaty.

 Report of Minister of Trade and Commerce upon treaty notice with Japan.
- 3. Order in Council, October 13, 1896. Not expedient that government of Canada should become party to treaty.
 - 4. Colonial Secretary, November 17, 1896. Asks for report of Minister of Trade and Commerce of July 29, 1896.
 - Order in Council, December 22, 1896, transmitting copy asked for.
 - 5. Order in Council, January 23, 1897, re most-favoured-nation clause.

6. Order in Council, November 5, 1897, re admission of articles growth, produce and manufacture of Japan.

1705 K. Colonial Secretary, December 2, 1899. Status of Indian and colonial subjects residing in Japan, and re claims British colonies to benefits of tariff.

Colonial Secretary, February 28, 1902, transmitting copy of parliamentary paper, agreement between Great Britain and Japan.

Order in Council, June 7, 1905, to ascertain if Japanese government would be prepared to admit Canada to a participation in said treaty.

Col. Sec., 14 July, 1905, re adhesion of Canada.

Governor General to Colonial Secretary, September 5, 1905, re entry Canada into Anglo-Japanese treaty.

Colonial Secretary, September 6, 1905, asks for reply to despatch, July 14, 1905.

Order in Council, September 26, 1905, government of Canada is prepared to adhere to treaty.

Colonial Secretary, November 16, 1905, His Majesty's Ambassador at Tokio has been instructed to send draft treaty to Governor General for consideration of Canadian government.

His Majesty's Minister at Tokio to Governor General, November 19, 1905, inclosing draft proposed convention.

Governor General to Colonial Secretary, November 24, 1905. Dominion Government agrees to treaty 1894 and convention 1895.

Colonial Secretary, to Governor General, November 30, 1905 re special convention with Japan.

Governor General to Colonial Secretary, December 13, 1905, Sir Wilfrid Laurier has seen draft and hopes final formalities will be concluded soon as possible.

Colonial Secretary to Governor General, January 1, 1906. Secretary of State for Foreign Affairs has been requested telegraph to Tokio to sign convention at once, &c.

Colonial Secretary to Governor General, February 6, 1906. Convention with Japan signed January 31.

Colonial Secretary to Governor General, March 31, 1906. Transmits copies of correspondence re convention.

715J

TREATY OF COMMERCE AND NAVIGATION BETWEEN GREAT BRITAIN AND JAPAN.

Downing Street, December 31, 1894.

To the Officer Administering the Government of Canada.

SIR,—I have the honour to transmit to you, for publication in the colony under your government, a copy of a treaty of commerce and navigation between Great Britain and Japan, signed at London on July 16, 1894, the ratifications of which were exchanged at Tokio on the 25th of August last.

I have to call your attention to Article XIX. of the treaty, from which you will observe that, if it is desired that the colony under your government should come within the operation of the treaty, notice to that effect must be given to the Japanese government within two years from August 25, 1894, the date of the exchange of ratifications of treaty.

I have therefore to request that you will be good enough to acquaint me of the wishes of your government in the matter.

RIPON.

TREATY OF COMMERCE AND NAVIGATION BETWEEN GREAT BRITAIN AND JAPAN.

Signed at London, July 16, 1894.

[Ratification exchanged at Tokio, August 25, 1894.]

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and His Majesty the Emperor of Japan, being equally desirous of maintaining the relations of good understanding which happily exist between them, by extending and increasing the intercourse between their respective states, and being convinced that this object cannot better be accomplished than by revising the treaties hitherto existing between the two countries, have resolved to complete such a revision, based upon principles of equity and mutual benefit, and, for that purpose, have named as their plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, the Right Honourable John, Earl of Kimberely, Knight of the Most Noble Order of the Garter, &c., &c., Her Britannic Majesty's Secretary of State for

Foreign Affairs:

And His Majesty the Empeor of Japan, Viscount Aoki Siuzo, Junii, first class of the Imperial Order of the Sacred Treasure, His Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of St. James';

Who, after having communicated to each other their full powers, found to be in good and due form, have agreed upon and concluded the following articles:—

ARTICLE I.

The subjects of each of the two high contracting parties shall have full liberty to enter, travel, or reside in any part of the dominions and possessions of the other contracting party, and shall enjoy full and perfect protection for their persons and property.

They shall have free and easy access to the courts of justice in pursuit and defence of their rights; they shall be at liberty equally with native subjects to choose and employ lawyers, advocates, and representatives to pursue and defend their rights before such courts, and in all other matters connected with the administration of jus-

tice they shall enjoy all the rights and privileges enjoyed by native subjects.

In whatever relates to rights of residence and travel; to the possession of goods and effects of any kind; to the succession to personal estate, by will or otherwise, and the disposal of property of any sort in any manner whatsoever which they may lawfully acquire, the subjects of each contracting party shall enjoy in the dominions and possessions of the other the same privileges, liberties, and rights, and shall be subject to no higher imposts or charges in these respects than native subjects, or subjects or citizens of the most favoured nation. The subjects of each of the contracting parties shall enjoy in the dominions and possessions of the other entire liberty of conscience, and, subject to the laws, ordinances, and regulations, shall enjoy the right of private or public exercise of their worship, and also the right of burying their respective countrymen according to their religious customs, in such suitable and convenient places as may be established and maintained for that purpose.

They shall not be compelled, under any pretext whatsoever, to pay any charges or taxes other or higher than those that are, or may be, paid by native subjects, or sub-

jects or citizens of the most favoured nation.

ARTICLE II.

The subjects of either of the contracting parties residing in the dominions and possessions of the other shall be exempted from all compulsory military service whatseever, whether in the army, navy, national guard, or militia; from all contributions

imposed in lieu of personal service; and from all forced loans or military exactions or contributions.

ARTICLE HI.

There shall be reciprocal freedom of commerce and navigation between the dominions and possessions of the two high contracting parties.

The subjects of each of the high contracting parties may trade in any part of the dominions and possessions of the other by wholesale or retail in all kinds of produce, manufactures, and merchandise of lawful commerce, eother in person or by agents, singly, or in partnerships with foreigners or native subjects; and they may there, own or hire and occupy the houses, manufactories, warehouses, shops, and premises which may be necessary for them, and lease land for residential and commercial purposes, conforming themselves to the laws, police and customs regulations of the country like native subjects.

They shall have liberty freely to come with their ships and cargoes to all places, ports, and rivers in the dominions and possessions of the other which are or may be opened to foreign commerce, and shall enjoy, respectively, the same treatment in matters of commerce and navigation as native subjects, or subjects or citizens of the most favoured nation, without having to pay taxes, imposts, or duties, of whatever nature or under whatever denominations, levied in the name or for the profit of the government, public functionaries, private individuals, corporations, or establishments of any kind, other or greater than those paid by native subjects, or subjects or citizens of the most favoured nation, subject always to the laws, ordinances, and regulations of each country.

ARTICLE IV.

The dwellings, manufactories, warehouses, and shops of the subjects of each of the high contracting parties in the dominions and possessions of the other, and all premises appertaining thereto destined for purposes of residence of commerce, shall be respected.

It shall not be allowable to proceed to make a search of, or a domiciliary visit to such dwellings and premises, or to examine or inspect books, papers, or accounts, except under the conditions and with the forms prescribed by the laws, ordinances, and regulations for subjects of the country.

ARTICLE V.

No other or higher duties shall be imposed on the importation into the dominions and possessions of Her Britannic Majesty of any article, the produce or manufacture of the dominions and possessions of His Majesty the Emperor of Japan, from whatever place arriving; and no other or higher duties shall be imposed on the importation into the dominions and possessions of His Majesty the Empeior of Japan of any article, the produce or manufacture of the dominions and possessions of Her Britannic Majesty, from whatever place arriving, than on the like article produced or manufactured in any other foreign country; nor shall any prohibition be maintained or imposed on the importation of any article, the produce or manufacture of the dominions and possessions of either of the high contracting parties, into the dominions and possessions of the other, from whatever place arriving, which shall not equally extend to the importation of the like article, being the produce or manufacture of any other country. This last provision is not applicable to the sanitary and other prohibitions occasioned by the necessity of protecting the safety of persons, or of cattle, or of plants useful to agriculture.

ARTICLE VI.

No other or higher duties or charges shall be imposed in the dominions and possessions of either of the high contracting parties on the exportation of any article to the dominions and possessions of the other than such as are, or may be, payable on the exportation of the like articles to any other foreign country, nor shall any prohibition be imposed on the exportation of any article from the dominions and possessions of either of the two contracting parties to the dominions and possessions of the other which shall not equally extend to the exportation of the like articles to any other country.

ARTICLE VII.

The subjects of each of the high contracting parties shall enjoy in the dominions and possessions of the other exemption from all transit duties, and a perfect equality, of treatment with native subjects in all that relates to warehousing, bounties, facilities, and drawbacks.

ARTICLE VIII.

All articles which are or may be legally imported into the ports of the dominions and possessions of His Majesty the Emperor of Japan in Japanese vessels may likewise be imported into those ports in British vessels, without being liable to any other or higher duties or charges of whatever denomination than if such articles were imported in Japanese vessels; and reciprocally, all articles which are or may be legally imported into the ports of the dominions and possessions of Her Britannic Majesty in British vessels may likewise be imported into those ports in Japanese vessels, without being liable to any other or higher duties or charges of whatever denomination than if such articles were imported in British vessels. Such reciprocal equality of treatment shall take effect without distinction, whether such articles come directly from the place of origin or from any other place.

In the same manner there shall be perfect equality of treatment in regard to exportation, so that the same export duties shall be paid and the same bounties and drawbacks allowed in the dominious and possessions of either of the high contracting parties on the exportation of any article which is or may be legally exported therefrom, whether such exportation shall take place in Japanese or in British vessels, and whatever may be the place of destination, whether a port of either of the contracting parties or of any third power.

ARTICLE IX

No duties of tonnage, harbour, pilotage, lighthouse, quarantine, or other similar or corresponding duties of whatever nature or under whatever denomination, levied in the name or for the profit of the government, public functionaries, private individuals, corporations, or establishments of any kind, shall be imposed in the ports of the dominions and possessions of either country upon the vessels of the other country which shall not equally and under the same conditions be imposed in the like cases on national vessels in general or vessels of the most favoured nation. Such equality of treatment shall apply reciprocally to the respective vessels, from whatever port or place they may arrive, and whatever may be their place of destination.

ARTICLE X.

In all that regards the stationing, loading, and unloading of vessels in the ports, basins, docks, road-teads, harbours, or rivers of the dominions and possessions of the two countries, no privilege shall be granted to national vessels which shall not be equally granted to vessels of the other country; the intention of the high contracting

parties being that in this respect also the respective vessels shall be treated on the footing of perfect equality.

ARTICLE XI.

The coasting trade of both the high contracting parties is excepted from the provisions of the present treaty, and shall be regulated according to the laws, ordinances, and regulations of Japan and of Great Britain, respectively. It is, however, understood that Japanese subjects in the dominions and possessions of Her Britannic Majesty, and British subjects in the dominions and possessions of His Majesty the Emperor of Japan, shall enjoy in this respect the rights which are or may be granted under such laws, ordinances, and regulations to the subjects or citizens of any other country.

A Japanese vessel laden in a foreign country with eargo destined for two or more ports in the dominions and possessions of Her Britannic Majesty, and a British vessel laden in a foreign country with eargo destined for two or more ports in the dominions and possessions of His Majesty the Emperor of Japan, may discharge a portion of her cargo at one port, and continue her voyage to the other port or ports of destination where foreign trade is permitted, for the purpose of landing the remainder of her original cargo there, subject always to the laws and custom-house regulations of the two countries.

The Japanese government, however, agrees to allow British vessels to continue, as heretofore, for the period of duration of the present treaty, to carry cargo between the existing open ports of the empire, excepting to or from the ports of Osaka, Niigata and Ebisu-minato.

ARTICLE XII.

An ship of war or merchant-vessel of either of the high contracting parties which may be compelled by stress of weather, or by reason of any other distress, to take shelter in a port of the other, shall be at liberty to refit therein, to procure all necessary supplies, and to put to sea again, without paying any dues other than such as would be payable by national vessels. In case, however, the master of a merchant vessel should be under the necessity of disposing of a part of his cargo in order to defrave the expenses, he shall be bound to conform to the regulations and tariffs of the place to which he may have come.

If any ship of war or merchant vessel of one of the contracting parties should run aground or be wrecked upon the coasts of the other, the local authorities shall inform the consul-general, consul, vice-consul, or consular agent of the district of the occurrence, or if there be no such consular officer, they shall inform the consulgeneral, consul, vice-consul, or consular agent of the nearest district.

All proceedings relative to the salvage of Japanese vessels wrecked or cast on shore in the territorial waters of Her Britannic Majesty shall take place in accordance with the laws, ordinances, and regulations of Great Britain, and reciprocally, all measures of salvage relative to British vessels wrecked or cast on shore in the territorial waters of His Majesty the Emperor of Japan shall take place in accordance with the laws, ordinances, and regulations of Japan.

Such stranded or wrecked ship or vessel, and all parts thereof, and all furnitures and appurtenances belonging thereunto, and all goods and merchandise saved therefrem, including those which may have been cast into the sea, or the proceeds thereof, if sold, as well as all papers found on board such stranded or wrecked ship or vessel, shall be given up to the owners or their agents, when claimed by them. If such owners or agents are not on the spot, the same shall be delivered to the respective consuls-general, consuls, vice-consuls, or consular agents upon being claimed by them within the period fixed by the laws of the country, and such consular officers, owners, or agents shall pay only the expenses incurred in the preservation of the property,

together with the salvage or other expenses which would have been payable in the case of a wreck of a national vessel.

The goods and merchandise saved from the wreck shall be exempt from all the duties of the customs unless cleared for consumption, in which case they shall pay the ordinary duties.

When a ship or vessel belonging to the subjects of one of the contracting parties is stranded or wrecked in the territories of the other, the respective consuls-general, consuls, vice-consuls, and consular agents shall be authorized, in case the owner or master, or other agent, of the owner, is not present, to lend their official assistance in order to afford the necessary assistance to the subjects of the respective states. The same rule shall apply in case the owner, master, or other agent is present, but requires such assistance to be given.

ARTICLE XIII.

All vessels which, according to Japanese law, are to be deemed Japanese vessels, and all vessels, which, according to British law, are to be deemed British vessels, shall, for the purpose of this treaty, be deemed Japanese and British vessels respectively.

ARTICLE XIV.

The consuls-general, consuls, vice-consuls, and consular agents of each of the contracting parties, residing in the dominions and possessions of the other, shall receive from the local authorities such assistance as can by law be given to them for the recovery of deserters from the vessels of their respective countries.

It is understood that this stipulation shall not apply to the subjects of the country where the desertion takes place.

ARTICLE XV.

The high contracting parties agree that, in all that concerns commerce and navigation, any privilege, favour, or immunity which either contracting party has actually granted, or may hereafter grant, to the government, ships, subjects, or citizens of any other state, shall be extended immediately and unconditionally to the government, ships, subjects, or citizens of the other contracting party, it being their intention that the trade and navigation of each country shall be placed, in all respects, by the other on the footing of the most favoured nation.

ARTICLE XVI.

Each of the high contracting parties may appoint consuls-general, consuls, vice-consuls, pro-consuls, and consular agents in all the ports, cities, and places of the other, except in those where it may not be convenient to recognize such officers.

This exception, however, shall not be made in regard to one of the contracting parties without being made likewise in regard to every other power.

The consuls-general, consuls, vice-consuls, pro-consuls, and consular agents may exercise all functions, and shall enjoy all privileges, exemptions, and immunities which are, or may hereafter be granted to consular officers of the most favoured nation.

ARTICLE XVII.

The subjects of each of the high contracting parties shall enjoy in the dominions and possessions of the other the same protection as native subjects in regard to patents, trade marks, and designs, upon fulfilment of the formalities prescribed by law.

ARTICLE XVIII.

Her Britannic Majesty's government, so far as they are concerned, give their consent to the following arrangement,—

The several foreign settlements in Japan shall be incorporated with the respective Japanese communes, and shall thenceforth form part of the general municipal system of Japan.

The competent Japanese authorities shall thereupon assume all municipal obligations and duties in respect thereof, and the common funds and property, if any, belonging to such settlements, shall at the same time be transferred to the said Japanese authorities.

When such incorporation takes place the existing leases in perpetuity under which property is now held in the said settlements shall be confirmed, and no conditions whatsoever other than those contained in such existing leases shall be imposed in respect of such property. It is, however, understood that the consular authorities mentioned in the same are in all cases to be replaced by the Japanese authorities.

All lands which may previously have been granted by the Japanese government free of rent for the public purposes of the said settlements shall, subject to the right of eminent domain, be permanently reserved free of all taxes and charges for the public purposes for which they were originally set apart.

ARTICLE XIX.

The stipulations of the present treaty shall be applicable, so far as the laws permit, to all the colonies and foreign possessions of Her Britannic Majesty, excepting to those hereinafter named, that is to say, except to—

India,
The Dominion of Canada,
Newfoundland.
The Cape,
Natal

New South Wales,

Victoria. Queensland, Tasmania,

South Australia, Western Australia, New Zealand.

Provided always that the stipulations of the present treaty shall be made applicable to any of the above-named colonies of foreign possessions on whose behalf notice to that effect shall have been given to the Japanese government by Her Britannic Majesty's representative at Tokio within two years from the date of the exchange of ratifications of the present treaty.

ARTICLE XX.

The present treaty shall, from the date it comes into force, be substituted in place of the conventions respectively of the 23rd day of the 8th month of the 7th year of Kayei, corresponding to the 14th day of October, 1854, and of the 13th day of the 5th month of the 2nd year of Keiou, corresponding to the 25th day of June, 1866, the treaty of the 18th day of the 7th month of the 5th year of Ansei, corresponding to the 26th day of August, 1858, and all arrangements and agreements subsidiary thereto concluded or existing between the high contracting parties; and from the same date such conventions, treaty arrangements and agreements shall cease to be binding, and, in consequence, the jurisdiction then exercised by British courts in Japan, and all the exceptional crivileges, exemptions and immunities then enjoyed by British subjects as a part of or appurtenant to such jurisdiction, shall absolutely and without any notice cease and determine, and thereafter all such jurisdiction shall be assumed and exercised by Japanese courts.

74b-9

ARTICLE XXI.

The present treaty shall not take effect until at least five years after its signature. It shall come into force one year after His Imperial Japanese Majesty's government shall have given notice to Her Britannic Majesty's government of its wish to have the same brought into operation. Such notice may be given at any time after the expiration of four years from the date hereof. The treaty shall remain in force for the period of twelve years from the date it goes into operation.

Either high contracting party shall have the right, at any time after eleven years shall have elapsed from the date this treaty takes effect, to give notice to the other of its intention to terminate the same, and at the expiration of twelve months after such notice is given this treaty shall wholly cease and determine.

ARTICLE XXII.

The present treaty shall be ratified, and the ratifications thereof shall be exchanged at Tokio as soon as possible, and not later than six months from the present date.

In witness whereof the respective plenipotentaries have signed the same and have affixed thereto the seal of their arms.

Done at London, in duplicate, this sixteenth day of July, in the year of our Lord one thousand eight hundred and ninety-four.

KIMBERLEY. AOKI.

Protocol signed at London, July 16, 1894.

The government of Her Majesty the Queen of Great Britain and Ireland, and Empress of India, and the government of His Majesty the Emperor of Japan, deeming it advisable in the interests of both countries to regulate certain special matters of mutual concern, apart from the treaty of commerce and navigation signed this day, have, through their respective plenipotitentaries, agreed upon the following stipulations:—

1. It is agreed by the contracting parties that one month after the exchange of the ratifications of the treay of commerce and navigation signed this day, the import tariff hereunto annexed shall, subject to the provisions of article XXIII. of the treaty of 1858 at present subsisting between the contracting parties, as long as the said treaty remains in force and thereafter, subject to the provisions of articles V. and XV. of the treaty signed this day, be applicable to the articles therein enumerated, being the growth, produce or manufacture of the dominions and possessions of Her Britannic Majesty, upon importation into Japan. But; nothing contained in this protocol, or the tariff hereunto annexed, shall be held to limit or qualify the right of the Japanese government to restrict or to prohibit the importation of adulterated drugs, medicines, food or beverages, indecent or obscene prints, paintings, books, cards, lithographic or other engravings, photographs, or any other indecent or obscene articles; articles in violation of patent, trade mark or copyright laws of Japan; or any other article which for sanitary reasons, or in view of public security or morals, might offer any danger.

The ad valorem duties established by the said tariff shall, so far as may be deemed practicable, be converted into specific duties by a supplementary convention, which shall be concluded between the two governments within six months from the date of this protocol; the medium prices, as shown by the Japanese customs returns during the six calendar months preceding the date of the present protocol with the addition of the cost of insurance and transportation from the place of purchase,

production or fabrication, to the port of discharge, as well as commission, if any, shall be taken as the basis for such conversion. In the event of the supplementary convention not having come into force before the expiration of the period fixed for the said tariff to take effect, ad valorem duties in conformity with the rule recited at the end of the said tariff shall, in the meantime, be levied.

In respect of articles not enumerated in the said tariff, the general statutory tariff of Japan for the time being in force shall, from the same time, apply, subject, as aforesaid, to the provisions of article XXIII, of the treaty of 1858, and articles V. and XV. of the treaty signed this day respectively.

From the date the tariffs aforesaid take effect, the import tariff now in operation in Japan in respect of goods and merchandise imported into Japan by British subjects shall cease to be binding.

In all other respects the stipulations of the existing treaties and conventions shall be maintained unconditionally until the time when the treaty of commerce and navigation signed this day comes into force.

- 2. The Japanese government, pending the opening of the country to British subjects, agrees to extend the existing passport system in such a manner as to allow British subjects, on the production of a certificate of recommendation from the British representative in Tokio, or from any of Her Majesty's consuls at the open ports in Japan, to obtain upon application passports available for any part of the country, and for any period not exceeding twelve months, from the Imperial Japanese Foreign Office in Tokio, or from the chief authorities in the prefecture in which an open port is situated; it being understood that the existing rules and regulations governing British subjects who visit the interior of the empire are to be maintained.
- 3. The Japanese government undertakes, before the cessation of British consular jurisdiction in Japan, to join the international conventions for the protection of industrial property and copyright.
- 4. It is understood between the two high contracting parties that, if Japan think it necessary at any time to levy an additional duty on the production or manufacture of refined sugar in Japan, an increased customs duty equivalent in amount may be levied on British refined sugar when imported into Japan, so long as such additional excise tax or inland duty continues to be raised.

Provided always that British refined sugar shall in this respect be entitled to the treatment accorded to refined sugar being the produce or manufacture of the most favoured nation.

5. The undersigned plenipotentiaries have agreed that this protocol shall be submitted to the two high contracting parties at the same time as the treaty of commerce and navigation, signed this day, and that when the said treaty is ratified the agreements contained in the protocol shall also equally be considered as approved, without the necessity of a further formal ratification.

It is also agreed that this protocol shall terminate at the same time the said treaty ceases to be binding.

In witness whereof the respective plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at London, in duplicate, this sixteenth day of July, in the year of our Lord one thousand eight hundred and ninety-four.

KIMBERLEY, AOKI.

ANNEX. (TARIFF.)

Articles.	Rates of dut Per cent.
Caoutchouk, manufacture of	10
Cement, Portland	5
Cotton—	
Yarns	8
Tissues of all sorts, plain or mixed with tissues of flax.	
hemp, or other fibre, including wool, the cotton,	
however, predominating	10
Glass, window, ordinary—	
(a) Uncoloured and unstained	Q
(b) Coloured, stained, or ground	10
Hats, including also hats of felt	10
Indigo, dry	10
Iron and steel—	
Pig and ingot	5
Rails	
Bar, rod, plate, and sheet	4
Tinned plates	
Galvanized sheet	
Pipes and tubes	
Lead, pig, ingot, and slab	
Leather	
Sole	15
Other kinds	
Linen -	
Yarns	8
Tissues	
Mercury or quicksilver	5
Milk, condensed or dessicated	
Nails, iron	
Oil, paraffin	10
Paint in oil	
Paper, printing	
Refined sugar	
Saltpetre	
Screws, bolts, and nuts, iron	
Silk, satins, and silk and cotton mixtures	15
Tin— Pl. de saint and Label.	سع
Block, pig, and slab	
Wax, paraffin	* *
Telegraph	
Iron and steel, and small rod iron and steel not exceed-	
ing 1 inch in diameter	
inch in diameter	
Woollen and worsted	
Yarns	8
Tissues of all sorts, plain or mixed with other material.	
the wool, however, predominating	
Yarns of all sorts, not specially provided for	10

Zinc—	Articles.	Rates of duty. Per Cent.
Block, pig, and s	lab	

Rule for calculating 'ad valorem' Duties

Import duties payable ad valorem under this tariff shall be calculated on the actual cost of the articles at the place of purchase, production, or fabrication, with the addition of the cost of insurance and transportation from the place of purchase, production, or fabrication, to the port of discharge, as well as commission, if any exists.

EXCHANGE OF NOTES.

The Earl of Kimberley to Viscount Aoki.

Foreign Office, July 16, 1894.

Sir,—With reference to article XIX. of the treaty betwen Great Britain and Japan, signed this day, in view of the fact that some of the British colonies and forcign possessions enumerated in that article might be prevented from acceding to the present treaty by reason of their inability to accept the stipulations relating to military service contained in article II. of the said treaty, and in order to avoid future misunderstandings. Her Majesty's government request from the government of Japan an assurance that any of the said British colonies and possessions may accede to the present treaty under the condition that, notwithstanding such accession, they shall not be bound by the stipulations of article II.

KIMBERLEY.

Viscount Aoki to the Earl of Kimberley.

Japanese Legation, London, July 16, 1894.

My Lord,—In reply to the note of Her Majesty's government referring to article XIX. of the treaty between Great Britain and Japan, signed this day, and requesting, for the reasons given in the said note, an assurance that any of the British colonies and foreign possessions enumerated in that article may accede to the present treaty under the condition that, notwith-tanding such accession, they shall not be bound by the stipulations of article II., the government of Japan hereby give the assurance desired.

AOKI.

Viscount Aoki to the Earl of Kimberley.

Japanese Legation, London, July 16, 1894.

My Lord.—The undersigned, Envoy Extraordinary and Minister Pleniipotentiary of His Majesty the Emperior of Japan, in virtue of special authorization from His Imperial Japanese Majesty's government, has the honour to announce to Her Britannic Majesty's principal Secretary of State for Fereign Affairs, that the Imperial Japanese government, recognizing the advantage of having the codes of the empire which have already been promulgated in actual operation when the treaty stipulations at present subsisting between the government of Japan and that of Great Britain cease to be binding, engage not to give the notice provided for by the first paragraph of article

XXI. of the treaty of commerce and navigation, signed this day, until those portions of said codes which are now in abeyance are brought into actual force.

The undersigned avails, &c.

AOKI.

1360J

Downing Street, February 17, 1896.

The Officer Administering the Government of Canada.

Sir.—With reference to my predecessor's circular despatch of December 31, 1894, I have the honour to transmit to you, for publication in the colony under your government, a copy of a convention between Great Britain and Japan, signed at Tokio, July 16, 1895, supplementary to the treaty of commerce and navigation between the two countries of July 16, 1894.

J. CHAMBERLAIN.

SUPPLEMENTARY CONVENTION BETWEEN GREAT BRITAIN AND JAPAN RESPECTING THE DUTIES TO BE CHARGED ON BRITISH GOODS IMPORTED INTO JAPAN.

Signed at Tokio, July 16, 1895.

[Ratifications exchanged at Tokio, November 21, 1895.]

Whereas, by the protocol signed at London on July 16, 1894, it was agreed between the government of Her Britannic Majesty and the government of His Majesty the Emperor of Japan that the ad valorem duties of the tariff annexed to the aforesaid protocol should, so far as might be deemed practicable, be converted into specific duties by means of a supplementary convention, to be concluded between the two governments within six months from the date of that protocol; and

Whereas, this period was extended by subsequent arrangement;

The high contracting parties have appointed as their plenipotentiaries to conclude a convention for this purpose, that is to say:—

Her Britannic Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, Gerard Augustus Lowther, Her Britanic Majesty's Charged'Affaires;

And His Majesty the Emperor of Japan, Marquis Saïonzi Kimmochi, first class of the Order of the Sacred Treasure, His Imperial Majesty's Minister of State for Education, and Acting Minister of State for Foreign Affairs;

Who, having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:—

- 1. The tariff annexed to this convention shall be substituted for the ad valorem tariff annexed to the aforesaid protocol of July 16, 1894; it shall be subject to all stipulations contained in article 1 of that protocol, in so far as these are applicable, and it shall come in force one month after the exchange of the ratifications of this convention.
- 2. The specific duties established by this convention shall be subject to triennial readjustment. Such readjustment shall be based on the difference between the average of the two quarterly rates of exchange adopted by the Japanese customs during the six months ending June 30, 1594, and the average of the rates of exchange adopted by the Japanese customs for the four quarters preceding that in which each successive period of three years expires.

The schedule of readjusted duties shall be published by the Japanese government three months in advance, and shall take effect immediately upon the expiration of the said period.

It is understood between the high contracting parties that the operation of this stipulation shall be subject to the acceptance of a similar arrangement by the other

powers with whom conventional tariffs are now being negotiated by Japan.

3. The quarterly rates of exchange mentioned in the preceding article are the rates determining the comparative values, as entered in the quarterly tables published by the Japanese Department of Finance, of the present Japanese silver yen on the one hand, and of the English pound sterling on the other.

4. The present convention shall have the same duration as the treaty and protocol

concluded on July 16, 1894, of which it is a complement.

5. The present convention shall be ratified, and the ratifications shall be exchanged at Tokio as soon as possible, and not later than six months from the present date.

Done at Tokio, in duplicate, this 16th day of July, 1895.

GERARD AUGUSTUS LOWTHER. MARQUIS SAIONZI.

ANNEX.

Tariff.

	Tariff.	
		outy (yen).
1.	Caoutchoue, manufacture of	0 per cent.
2.	Cement, Portland	0:065
3.	Cotton yarns, plain or dyed "	4.180
	Cotton tissues—	
4.	Drills	0.016
5.	Duck	0.053
6.	Handkerchiefs in the piece "	0.011
7.	Prints	0.012
8.		
		0.017
9.		0.013
10.		0.006
11.	twilled	0.011
12.	white or bleached "	0:010
13.		0:009
14.		0.012
15.	Velvets or velveteens	0.041
1 6.	Victoria lawns	0.006
17.	All other sorts of pure cotton tissues, and all	
	tissues of cotton mixed with flax, hemp, or	
	other fibre, including wool, the cotton,	
	however, predominating in weight, not	
	specially provided for in this	
	tariff	10 per cent.
	Note.—It is expressly understood that ready-made	
	clothing and other made-up articles are not	
	included under the heading of cotton tissues.	
18.	Glass, window, ordinary—	
		0.302
	(b) Coloured, stained, and groundad valorem	_
19.	Hats, including also hats of felt "	10 per cent.

-)()	Indian duy	10.059
20.	Indigo, dry	12 (00)
91	Pig and ingot	0.083
	Bar and rod, exceeding 4-inch in diame-	0 000
	ter	0.261
23.		
	brads—	
	(a) Plain	
	(b) Galvanizedad valorem	
24.	Pipes and tubes	10 per cent.
25.	Plate and sheet	
26.	Rails	0.129
27.		10
28.	sanized	to per cent.
20.	gated	0.740
29.		0 110
ad V s	(a) Ordinary	0.691
	(b) Crystallized	
30.		
	diameter	0.503
31.	Wire, telegraph or galvanized "	0.256
	Note.—By the term 'mild steel,' as used in this	
	tariff is understood mild steel manufactured	
	by the Siemens, Bessemer, Basic, or similar	
	processes, and approximating in value to iron	
90	of the same class in this tariff.	0.216
	Lead, pig, ingot and slab	0.910
oo.	(a) Sole	5 • 690
	(b) Other kinds	
34.	Linen yarns, plain or dyed	_
	Linen tissues—	
35.	Canvas	0.047
36.	All other sorts	10 per cent.
	Note.—It is expressly understood that ready-made	
	clothing and other made-up articles are not	
a=	included under the heading of linen tissues.	W 0.40
	Mercury or quicksilver	5.048
58.	Milk, condensed or desiccateddoz. 1 lb. tins and proportionately for tins of other weights.	0.123
30	Oil, paraffin	10 ner cent
	Paint in oil	
	Paper, printing	
	Saltpetre (nitrate of potash)	
	Silk-faced cotton satins	
	Note.—It is expressly understood that all other	
	mixed tissues of cotton and silk, and of wool	
	and silk, where the cotton or wool predomin-	
	ates in weight, are to be classed for duty under	
	Nos. 17 and 61 of this tariff respectively.	
	Steel (other than mild steel)—	K man cont
45.	Ingot	7½ per cent.
46.	Wire, and small rod not exceeding 4-inch in	12 ber cent
344	diameter	1:819

47. Sugar, refined—	
(a) No. 15 to No. 20, inclusive, Dutch stand-	
ard in colour	0:748
(b) Above No. 20, Dutch standard in	
colour	0.827
Tin—	4 000
48. Block, pig and slab	
49. Plates	
50. Wax, paraffin	0.944
51. Woollen and worsted yarns, plain or dyed	0.160
Woollen and worsted tissues, pure or mixed with	0 100
other material—	
52. Alpacassquare yard	0.075
53. Blanketing and whipped blankets in plain	
weave	7 458
54. Buntings square yard	0.031
55. Cloth—	
(a) Wholly of woollen or worsted yarn, or	
of woollen or worsted yarns, such as	
broad, narrow, and army cloth, cassi-	
meres, tweeds and worsted coat-	2 202
ings	0:093
(b) In part of woollen or worsted yarn	
and in part of cotton yarn, such as	
pilot, president, and union clothsquare yard	0.039
56. Flannels	0.044
57. Italian cloth	0.029
58. Long ells	0.036
59. Mousseline de laine	0.021
60. Serges—	
(a) Where the warp is worsted and the	
weft woollensquare yard	
(b) All other kinds ad valorem	10 per cent.
61. All other sorts, pure or mixed with other ma-	
terial, the wool, however, predominating	
in weight, not specially provided for in this tariff	10 non cont
Note.—It is expressly understood that ready-made	to per cent.
clothing and other made-up articles are not	
included under the heading of woollen and	
worsted tissues.	
62. Yarns, all sorts, not specially provided for in this	
tariff	10 per cent.
Zinc—	
63. Block, pig and slab	
64. Sheet	0:928

WEIGHTS, MEASURES AND COINS.

The catty-mentioned in this tariff is the Japanese weight. It is equal to 600 grammes of the metric system of weights, or 1:32277 lbs. English avoirdupois weight.

The pound is the English avoirdupois weight.

The square yard and square foot are the English imperial surface measures. The yen is the present Japanese silver yen of 900 fineness and 416 grains in

RULE FOR CALCULATING 'AD VALOREM' DUTIES.

Import duties payable ad valorem under this tariff shall be calculated on the actual cost of the articles at the place of purchase, production, or fabrication, with the addition of the cost of insurance and transportation from the place of purchase, production, or fabrication, to the port of discharge, as well as commission, if any exists.

RULE FOR MEASUREMENT OF TISSUES.

In determining the dutiable width of any tissue the customs shall discard all fractions of an inch not exceeding half an inch, and shall count as a full inch all fractions exceeding half an inch.

Note.—It is understood that selvedges shall not be included in the measurement of tissues.

1352J

DOWNING STREET, February 20, 1896.

Governor General,

The Right Honourable the Earl of Aberdeen, P.C., G.C.M.G.,

de., de., de.

My Lord,—With reference to Sir H. Strong's despatch No. 199, of August 6, on the subject of the adhesion of Canada to the commercial treaty between this country and Japan, I have the honour to transmit to Your Lordship a copy of a letter from the Foreign Office in reply to one suggesting that Her Majesty's representative at Tokio should ascertain whether the Japanese government would be willing to adopt the proposals of your government.

I shall be glad to be informed at an early date whether it is desired that the adhesion of Canada to the treaty should be notified to the Japanese government, the time for notifying adhesions expiring on August 25 next.

J. CHAMBERLAIN.

Foreign Office, February 10, 1896.

The Under Secretary of State,

Colonial Office.

Sir.—With reference to your letter August 26 respecting the adhesion of British colonies to the treaty of commerce between this country and Japan, I am directed by the Marquis of Salisbury to acquaint you, for Mr. Chamberlain's information, that a telegram has been received from Sir E. Satow, to whom instructions were sent in accordance with the terms of your letter.

Sir E. Satow states that after much delay the Japanese government have expressed their willingness to admit a proviso similar to that made with the United States, but without the mention of labourers.

They also stipulate, for the termination of the treaty, so far as the colonies are concerned, on six months' notice from either side.

Sir E. Satow has pointed out that this is less than was originally conceded to the United States, whose treaty was to last for eleven years, and has asked the Japanese government to reconsider the question.

FRANCIS BERTIE.

1586J

Telegram.

Mr. Chamberlain to Earl of Aberdeen.

LONDON, July 15, 1896.

Does your government adhere to Japanese treaty! Answer urgently required.

Report of the Minister of Trade and Commerce upon Treaty Notice with Japan.

DEPARTMENT OF TRADE AND COMMERCE, OTTAWA, July 29, 1896.

The undersigned, Minister of Trade and Commerce, has the honour to acknowledge the receipt of Privy Council reference No. 715 J: being a copy of a circular from the Colonial Office, of date December 31, addressed to His Excellency the Governor General, covering a copy of a treaty of commerce and navigation between Great Britain and Japan, signed at London on July 16, 1894, the ratifications of which were exchanged at Tokio on August 25, 1894, and of Privy Council reference No. 1360 J., being a copy of a circular from the Colonial office to His Excellency the Governor General of date February 17, 1896, referring to despatch of December 31, 1894, and transmitting a copy of a convention between Great Britain and Japan, signed at Tokio, July 16, 1895, supplementary to the treaty of commerce and navigation between the two countries of July 16, 1894, first above referred to. In the circular first above referred to attention is called to article XIX of the treaty, which provides that if it is desired that the Dominion of Canada should come within the operations of the treaty, notice to that effect must be given to the Japanese government within two years from the date of the exchange of ratification.

The minister has carefully considered the provisions of the treaty as transmitted and has also taken communication of correspondence on the subject which has taken place between the Canadian government and the imperial authorities and the Japanese government, as transmitted under Privy Council references:—

No. 1352 J., being a copy of a communication from the Right Honourable the Secretary of State for the Colonies to His Excellency the Governor General, of date February 20, 1896.

No. 1405 J., being a copy of a confidential despatch from the Right Honourable the Secretary of State for the Colonies to His Excellency the Governor General, of date March 18, 1896.

No. 1475 J., being a copy of a further confidential despatch on the subject from the Right Honourable the Secretary of State for the Colonies to His Excellency the Governor General, of date April 21, 1896.

No. 1506 J., being a further confidential despatch from the Colonial Office to His Excellency the Governor General of date May 14, 1896.

No. 1563 J., being a further confidential despatch from the Right Honourable the Secretary of State for the Colonies to His Excellency the Governor General, of date June 19, 1896—all having reference to the treaty in question.

No. 1586 J., being a copy of a cablegram from the Colonial Office to His Excellency the Governor General of date July 15, 1896, asking whether His Excellency's government will adhere to the Japanese treaty and stating that an answer is urgently required.

The minister in reporting thereon has the honour to submit for the consideration of His Excellency the Governor General in Council that while he fully approves of the general provisions of the treaty as modified, yet considering the interpretation put by Her Majesty's government as well as by those governments interested upon the

intent and meaning of the 'most favoured nation clauses' as they appear in treaties between Great Britain and foreign contries, which interpretation under existing circumstances would be held to be binding upon the Dominion of Canada, and in view of the provisions contained in article V. of the said treaty, and of questions arising as to the exact meaning of the provisions contained in articles VIII., IX., XI., and XV., and considering that apparently under the provisions of these several articles, the Dominion would be further hampered in any effort that might be made in connection with the negotiation of arrangements under which any concessions made for special equivalents granted by reason thereof to or with other countries, he does not deem it advisable that the Dominion should become a party to or be bound by the provisions of the treaty in question, he therefore respectfully recommends that if approved His Excellency the Governor General be moved to communicate by cable to the Right Honourable the Secretary of State for the Colonies the substance of the minute of Council founded hereon, in order that the Japanese government may be advised thereof with as little delay as possible and within the time limit, as per article XIX. of the said treaty.

R. J. CARTWRIGHT.

Extract from a Report of the Committee of the Honourable the Privy Council, approved by the Governor General on October 13, 1896.

The Committee of the Privy Council have had under consideration a confidential despatch, hereto attached, dated September 16, 1896, from the Secretary of State for the Colonies, having reference to previous correspondence concerning the commercial treaty of 1894, between Great Britain and Japan.

The Minister of Trade and Commerce, to whom the said despatch was referred, observes that it is stated therein that notes were exchanged with the Japanese government on August 24, 1896, for a year's extension of time, within which the colonies referred to, or named in the treaty, could signify their accession thereto. It is further stated in the despatch that certain freedom of action with regard to the restriction of the influx of the Japanese artisan class, would be conditionally conceded by the Japanese government; and the Secretary of State desires to be informed, as early as possible, whether, in view of the concession so made by the Japanese government, the government of Canada desire to adhere to the treaty.

The minister desires to draw attention to his report of date July 29, 1896, upon this question, and to state that he deems it advisable to adhere to the recommendation made in such report, to the effect that, under existing circumstances, it is not expedient that the government of Canada should become a party to the treaty a question.

The Committee advise that Your Excellency be moved to forward a certified copy of the said report to the Right Honourable the principal Secretary of State for the Colonies.

All of which is respectfully submitted for Your Excellency's approval.

RODOLPHE BOUDREAU,

Clerk of the Privy Council.

Colonial Office to the Governor General.

Downing Street, November 17, 1896.

Governor General, &c., &c.

My Lord, I have the honour to acknowledge the receipt of Your Lordship's confidential despatch of the 23rd ultimo, inclosing a minute of the Privy Council with reference to the commercial treaty of 1894 between this country and Japan, and

to inform you that a copy of the report of the Minister of Trade and Commerce, dated July 29, 1896, which is referred to in the Privy Council minute, does not appear to have been forwarded to this department. I shall be glad if Your Lordship will be good enough to furnish me with a copy of the report in question.

J. CHAMBERLAI'N.

Extract from a Report of the Committee of the Honourable the Priva Council, approved by the Governor General on December 22, 1896.

The committee have had under consideration a confidential despatch from the Right Honourable the Secretary of State for the Colonies, dated November 17, 1896, acknowledging the receipt of the approved minute of Council of October 13, 1896, with reference to the commercial treaty of 1894, between Great Britain and Japan, and asking to be supplied with a copy of the report of the Minister of Trade and Commerce, dated July 29, 1896, which is referred to in the said minute.

The committee, on the recommendation of the Minister of Trade and Commerce, to whom the said despatch has been referred, advise that Your Excellency be moved to forward a copy of the said report of the Minister of Trade and Commerce to the Right Honourable the Secretary of State for the Colonics for his information.

All of which is respectfully submitted for Your Excellency's approval.

RODOLPHE BOUDREAU,

Clerk of the Privy Council.

Extract from a Report of the Committee of the Honourable the Privn Council, approved by the Governor General on January 23, 1397.

The Committe of the Privy Council have had under consideration a despatch, bereto attached, dated December 8, 1896, from the Right Honourable Mr. Chamberlain having reference to a previous despatch of September 16, 1896, referring to previous correspondence concerning the commercial treaty of 1894 between Great Britain and Japan.

The Minister of Trade and Commerce, to whom the first-mentioned despatch was referred, observes that the despatch of December 8, 1896, above referred to covers a copy of further despatch from Her Majesty's minister at Tokio respecting the terms upon which those specified colonies which have not yet notified their adherence to the treaty might become parties thereto.

The minister states that while there are many provisions in the treaty as modified of which he fully approves, and while the views conceded by the Japanese government as expressed in the despatch from Her Majesty's minister at Tokio, might be considered as doing away with some of the objections which the Canadian government had to the treaty referred to, it covers but one ground, the most important objection still existing, that is, the 'most favoured nation clause.'

The minister in referring to his report made in connection with the question of adherence to the treaty, bearing date July 29, 1896, regrets that while the imperial authorities adhere to the interpretation they place upon the most favoured nation clause in existing treaties, he cannot recommend that Canada should become a party to the treaty now in question.

The committee advise that Your Excellency be moved to forward a certified copy of this minute to the Right Honourable the Principal Secretary of State for the Colonies.

All of which is respectfully submitted for Your Excellency's approval.

RODOLPHE BOUDREAU,

Clerk of the Privy Council.

CERTIFIED copy of a Report of the Committee of the Privy Council, approved by His Excellency the Governor General on the 5th November, 1897.

The Committee of the Privy Council having had under consideration the annexed memorandum from the Minister of Customs, dated Nov. 4, 1897, respecting the admission of articles which are the growth, produce or manufacture of Japan to the benefits of the reciprocal tariff, under the customs tariff, 1897, and concurring therein, submit the same for Your Excellency's approval.

RODOLPHE BOUDREAU,

Clerk of the Privy Council.

Customs Department, Ottawa, November 4, 1897.

The undersigned, Minister of Customs, has the honour to report to His Excellency the Governor General in Council, that section 17 of 'The Customs Tariff, 1897,' provides as follows:—

- '1. When the customs tariff of any country admits the products of Canada on terms which, on the whole are as favourable to Canada as the terms of the reciprocal tariff herein referred to are to the countries to which it may apply, articles which are the growth, produce or manufacture of such country, when imported direct therefrom, may then be entered for duty, or taken out of warehouse for consumption in Canada, at the reduced rates of duty provided in the reciprocal tariff set forth in schedule D to this Act.
- 2. Any question arising as to the countries entitled to the benefits of the reciprocal tariff shall be decided by the Controller of Customs, subject to the authority of the Governor in Council.
- 3. The Governor in Council may extend the benefits of the reciprocal tariff to any country intitled thereto by virtue of a treaty with Her Majesty.
- '4. The Controller of Customs may make such regulations as are necessary for carrying out the intention of this section.'

That the undersigned has decided (subject to the approval of the Governor in Council and to take effect when so approved), that the customs tariff of Japan is such as intitles articles which are the growth, produce or manufacture of that country to the benefits of the reciprocal tariff, subject to the limitations mentioned in schedule D of the said customs tariff, 1897.

He submits his action in this matter for the approval of His Excellency the Governor General in Council.

WM. PATERSON,
Minister of Customs.

1705K

Downing Street, December 2, 1899.

The Officer Administering the Government of Canada.

Sm.—With reference to the Marquis of Ripon's circular despatch of December 31, 1894, inclosing copy of the treaty of commerce and navigation between Great Britain and Japan, of July 16, 1894, I have the honour to inform you that, questions having arisen respecting the status of Indian and colonial subjects of Her Majesty residing in Japan as affected by that treaty, and also respecting the claim of British colonies not parties to the treaty to the benefits of the tariff annexed to the protocol of the same date, the matter has formed the subject of reference to the law officers of the Crown, and the Marquis of Salisbury has informed Her Majesty's minister at Tekio, that in the opinion of Her Majesty's government article XIX of the treaty

has not the effect of limiting the rights of British subjects connected with non-adhering colonies or possessions, as the inhabitants of such places are, generally, and not locally merely, British subjects, and that the fair meaning of the treaty is that all persons who by British law are recognized as possessing the rights of British citizenhip all over the world are entitled to the benefits of its stipulations, and that this test includes the inhabitants—being British subjects—of all colonies and dependencies whether they adhere to the treaty or not. Neither does article XIX discriminate between different classes of British subjects, nor create a distinction unknown to British law, and almost impossible of definition; but its effect is merely to provide that the privileges and obligations of the treaty shall not enure for the benefit of nonadhering colonies and dependencies. For instance, the produce or manufacture of a non-adhering colony or dependency would not be entitled to the tariff annexed to the protocol which must be regarded as forming part of one arrangement with the treaty. And Her Majesty's government have also been advised that the protocol with its schedule must be read as applying, after the coming into force of the treaty of 1894, only to such of the colonies and possessions enumerated in article XIX as accede to the treaty.

On the other hand British subjects, though residing in or domiciled in colonies or possessions which have not adhered, are entitled to the benefits of article XVII of the treaty, and also of article II. of the international convention for the protection of industrial property signed at Paris on March 20, 1883, to which Japan adhered on July 15 last.

The first sentence of article II of the convention, copies of which were inclosed in Lord Derby's circular despatch of April 18, 1884, which runs as follows: 'Les sujets ou citoyena de chacun des états contractants jouiront, dans tous les autres états de l'union en ce qui concerne les brevets d'invention, les dessins ou modèles industriels, les marques de fabrique ou de commerce et le nom commercial, des avantages que les lois respectives accordent actuellement ou accorderont par la suite aux nationaux.' The right is conferred on those who are British subjects and is not lost by their being resident or domiciled either in a foreign country or in a colony which has not adhered. The right under the convention is also conferred by article III, on foreigners domiciled in one of the contracting states. Of course domicile in a non-adhering colony would not be effectual for this purpose, as the test is, in this instance, local, not personal, as in the case of British subjects. This distinction is also illustrated by articles IV and VI of the convention, which would not apply in the case of non-adhering colonies.

J. CHAMBERLAIN.

Circular.

Downing Street, February 28, 1902.

The Officer Administering the Government of Canada.

SIR,—I have the honour to transmit to you, for the information of your government, a copy of a parliamentary paper containing an agreement between Great Britain and Japan, which was signed at London on January 30, 1902.

J. CHAMBERLAIN.

DESPATCH TO HIS MAJESTY'S MINISTER AT TOKIO, FORWARDING AGREEMENT BETWEEN GREAT BRITAIN AND JAPAN, OF JANUARY 30, 1902.

The Marquis of Lansdowne to Sir C. MacDonald.

Foreign Office, January 30, 1902.

Sir.—I have signed to-day with the Japanese minister, an agreement between Great Britain and Japan, of which a copy is included in this dispatch.

This agreement may be regarded as the outcome of the events which have taken place during the last two years in the far east, and of the part taken by Great Britain and Japan in dealing with them.

Throughout the troubles and complications which arose in China consequent upon the Boxer outbreak and the attack upon the Peking legations, the two powers have been in close and uninterrupted communication, and have been actuated by similar views.

We have each of us desired that the integrity and independence of the Chinese empire should be preserved, that there should be no disturbance of the territorial status quo either in China or in the adjoining regions, that all nations should, within those regions, as well as within the limits of the Chinese empire be afforded equal opportunities for the development of their commerce and industry, and that peace should not only be restored, but should, for the future, be maintained.

From the frequent exchanges of views which have taken place between the two governments and from the discovery that their far eastern policy was identical, it has resulted that each side has expressed the desire that their common policy should find expression in an international contract of binding validity.

We have thought it desirable to record in the preamble of that instrument the main objects of our common policy in the far east, to which I have already referred, and in the first article we join in entirely disclaiming any aggressive tendencies either in China or Corea. We have, however, thought it necessary also to place on record the view entertained by both the high contracting parties, that should their interests as above described be endangered it will be admissible for either of them to take such measures as may be indispensible in order to safeguard those interests, and words have been added which will render it clear that such precautionary measures might become necessary and might be legitimately taken, not only in the case of aggressive action or of an actual attack by some other power, but in the event of disturbances arising of a character to necessitate the intervention of either of the high contracting parties for the protection of the lives and property of its subjects.

The principal obligations undertaken mutually by the high contracting parties are those of maintaining a strict neutrality in the event of either of them becoming involved in war, and of coming to one another's assistance in the event of either of them being confronted by the opposition of more than one hostile power. Under the remaining provisions of the agreement the high contracting parties undertake that neither of them will, without consultation with the other, enter into separate arrangements with another power to the prejudice of the interests described in the agreement, and that whenever those interests are in jeopardy they will communicate with one another fully and frankly.

The concluding article has reference to the duration of the agreements which, after five years, is terminable by either of the high contracting parties at one year's notice

His Majesty's government have been largely influenced in their decision to enter into this important contract by the conviction that it contains no provisions which can be regarded as an indication of aggressive or self-seeking tendencies in the regions to which it applies. It has been concluded purely as a measure of precaution, to be invoked, should occasion arise, in the defence of important British interests. It in no way threatens the present position or the legitimate interests of other powers. On the contrary that part of it which renders either of the high contracting parties liable to be called upon by the other for assistance can operate only when one of the allies has found himself obliged to go to war in defence of interests which are common to both, when the circumstances in which he has taken this step are such as to establish that the quarrel has not been of his own seeking, and when, being engaged in his own defence he finds himself threatened not by a single power, but by a hostile coalition.

His Majesty's government trust that the agreement may be found of mutual advantage to the two countries, that it will make for the preservation of peace, and that, should peace unfortunately be broken, it will have the effect of restricting the area of hostilities.

INCLOSURE.

Agreement between Great Britain and Japan, signed at London, January 30, 1903. The governments of Great Britain and Japan, actuated solely by a desire to main-

The governments of Great Britain and Japan, actuated solely by a desire to maintain the status quo and general peace in the extreme east, being moreover specially interested in maintaining the independence and territorial integrity of the empire of China and the empire of Corea and in securing equal opportunities in those countries for the commerce and industry of all nations, hereby agree as follows:—

ARTICLE I.

The high contracting parties having mutually recognized the independence of China and of Corea, declare themselves to be entirely uninfluenced by any aggressive tendencies in either country. Having in view, however, their special interests, of which those of Great Britain relate principally to China, while Japan, in addition to the interests which she possesses in China, is interested in a peculiar degree politically as well as commercially and industrially in Corea, the high contracting parties recognize that it will be admissible for either of them to take such measures as may be indispensible in order to safeguard those interests if threatened either by the aggressive action of any other power, or by disturbances arising in China or Corea, and necessitating the intervention of either of the high contracting parties for the protection of the lives and property of its subjects.

ARTICLE II.

If either Great Britain or Japan,, in the defence of their respective interests as above described, should become involved in war with another power, the other high contracting party will maintain a strict neutrality, and use its efforts to prevent other powers from joining in hostilities against its ally.

ARTICLE III.

If in the above event any other power or powers should join in hostilities against that ally, the other high contracting party will come to its assistance and will conduct the war in common, and make peace in mutual agreement with it.

ARTICLE IV.

The high contracting parties agree that neither of them will, without consulting the other, enter into separate arrangements with another ower to the prejudice of the interests above described.

ARTICLE V.

Whenever, in the opinion of either Great Britain or Japan, the above-mentioned interests are in jeopardy, the two governments will communicate with one another fully and frankly.

ARTICLE VI.

The present agreement shall come into effect immediately after the date of its signature and remain in force for five years from that date.

In case neither of the high contracting parties should have notified twelve months before the expiration of the said five years the intention of terminating it, it shall remain binding until the expiration of one year from the day on which either of the high contracting parties shall have denounced it. But if, when the date fixed for its expiration arrives, either ally is actually engaged in war, the alliance shall, ipso facto, continue until peace is concluded.

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In faith whereof the undersigned, duly authorized by their respective governments have signed this agreement, and have affixed thereto their seals.

Done in duplicate at London, January 30, 1902.

LANSDOWNE.

His Britannic Majesty's Principal Secretary of State for Foreign Affairs.

HAYASHI,

Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of Japan at the Court of St. James.'

From Lord Grey to Mr. Lyttelton.

GOVERNMENT HOUSE, OTTAWA, June 7, 1905.

The Right Honourable Alfred Lyttelton, P.C., &c., &c.,

SIR,—With reference to Sir Henry Strong's despatch of October 23, 1896, and previous correspondence in regard to the Canadian government's decision not to adhere to the treaty of commerce and navigation, concluded in 1894, between Great Britain and Japan, I have the honour to inclose herewith a copy of an approved minute of the Privy Council, intimating that obstacles which were considered to render the adhesion of Canada to the treaty unadvisable have now been removed and requesting that steps may be taken to ascertain whether the Japanese government would be prepared to admit the Dominion to a participation in the treaty.

GREY.

Extract from a Report of the Committee of the Privy Council, approved by the Governor General on June 7, 1905.

The Minister of Trade and Commerce, to whom was referred the question of the expediency of reopening negotiations with Japan to secure the admission of Canadian goods in that country on the same terms as upon those imported from Great Britain, submits as follows:—

At the time of the original treaty of commerce and navigation in 1894 between Great Britain and Japan, it appears that Canada was invited to become a party thereto but in view of certain conditions and possible complications it was deemed best at the moment to decline participation. These obstacles have been now removed, and it is understood informally that the Japanese government would not be unwilling to allow Canada to become a party to the above treaty.

The committee advise that His Excellency be moved to ascertain whether the Japanese government would be prepared to admit Canada to a participation in the said treaty.

All which is respectfully submitted for approval.

RODOLPHE BOUDREAU.

Clerk of the Privy Council.

Mr. Secretary Lyttlton to Lord Grey.

LONDON, July 14, 1905.

My Lord,—Referring to your confidential despatch of June 7, should Japanese government be informed that your government wishes to adhere to treaty, 1894, and

supplementary convention of 1895, under same terms and conditions as Queensland in 1897, which Japanese government then agreed to extend to any other colonies adhering within prescribed period namely, (1) that stipulations contained in first and third articles of treaty shall not in any way affect laws, ordinances and regulations with regard to trade, immigration of labourers, artisans, police and public security which are in force or hereafter may be enacted in Japan or in colony. (2) That treaty shall cease to be binding as between Japan and colony at expiration of twelve months after notice has been given on either side to desire to terminate same.

Or are your government prepared to adhere absolutely and without reserve as would appear to be the case from speech of Minister of Agriculture in Canadian parliament, June 22? Please telegraph reply.

LYTTELTON.

From Earl Grey to Mr. Lyttelton.

September 8, 1905.

Sir,—My Prime Minister ernestly hopes that you will press immediate entry of Canada into Anglo-Japanese treaty.

GREY.

Mr. Secretary Lyttelton to Lord Grey.

London, September 6, 1905.....

My Lord.—In reply to your telegram received to-day, please inform your Prime Minister that before taking steps as regards adhesion of your government to commercial treaty with Japan. His Majesty's government awaiting reply to telegram of July 14.

LYTTELTO,N.

From Governor General to Mr. Lyttelton.

GOVERNMENT HOUSE, OTTAWA, September 26, 1905.

The Right Honourable Alfred Lyttelton, P.C.,

de., de., de.

Sir.—The Governor General had the honour to send you to-day a telegraphic message in code, of which the following is a translation:—

Referring to your telegram of July 14, responsible ministers prepared to adhere to Japanese treaty, 1894, and supplementary convention of 1895, absolutely and without reserve. Minute of Council and despatch follow by mail.

I now have the honour to inclose herewith copy of the minute of Council referred to, upon which that message was founded.

H. E. TASCHEREAU, Deputy of the Governor General.

Extract from a Report of the Committee of the Privy Conneil, approved by the Governor General on September 26, 1905.

The committee of the Privy Council have had under consideration the annexed report from the Secretary of State relative to Canada becoming a party to the treaty of commerce and navigation between Great Britain and Japan, adopted in the year 1894, and supplementary convention, 1895.

The committee concurring in the said report, advise that His Excellency be moved to forward a cable despatch to the Secretary of State for the Colonies advising him that the government of Canada is prepared to adhere absolutely and without reserve

74b—10½

to the treaty of commerce and navigation made between Great Britain and Japan in 1894, and supplementary convention signed at Tokio in July, 1895.

All which is respectfully submitted for His Excellency's approval.

RODOLPHE BOUDREAU.

Clerk of the Privy Council.

Ottawa, September 25, 1905.

The undersigned, the Secretary of State, has had under consideration the minute of Council approved on June 7 last, advising, on the recommendation of the Minister of Trade and Commerce that His Excellency be moved to ascertain whether the Japanese government would be prepared to admit Canada to a participation in the existing treaty between Great Britain and Japan, adopted in the year 1894, and supplementary convention, 1895, and has had also under consideration the cable despatch from Mr. Lyttelton to Earl Grey of July 14 last, inquiring whether the government of Canada was prepared to adhere absolutely and without reserve to the treaty of 1894 and 1895, or whether Canada desired to limit the terms of the treaty to the conditions made on behalf of Queensland when accepting the Japanese treaty, which provided that the stipulations contained in the first and third articles of the treaty should not in any way affect the laws, ordinances and regulations with regard to trade, immigration of labourers, artisans, police and public security, which are in force or might hereafter be enacted in Japan or Queensland. (2) limiting the treaty to a period of twelve months after notice given on either side.

When the minute of Council, dated June 7, 1905, was approved, the judgment of the Privy Council as expressed in that minute was that Canada was willing to become a party to the treaty of 1894 and supplementary convention, 1895, without any reserve. Since those dates Japan has enacted a law limiting immigration to foreign countries, thus removing one of the objections that influenced the government of Canada in declining to become a party to the treaty with Japan in 1897. It is doubtful whether Japan would now agree to a treaty on any other basis than the proposals contained in the original treaty. The undersigned therefore recommends that a cable despatch be sent to Mr. Lyttelton advising him that the government of Canada is prepared to adhere absolutely and without reserve to the treaty of commerce and navigation made between Great Britain and Japan in 1894 and supplementary convention signed at Tokio in July, 1895.

All of which is respectfully submitted.

R. W. SCOTT,
Secretary of State.

From Lord Grey to Mr. Lyttelton.

Ottawa, November 14, 1905.

Sir.—Referring to my despatch, No. 313, September 26, Japanese treaty, responsible ministers anxious for reply.

GREY.

From Mr. Lyttleton to Lord Grey.

London, November 16, 1905.

My Lord, —In reply to your telegram of yesterday's date and your despatch No. 313, of September 26, Japanese government propose special convention providing

application to Canada of treaties of 1894 and convention of 1895. His Majesty's ambassador at Tokio has been instructed to send draft direct to you for consideration of your government. Report by telegram whether your ministers agree to its terms.

LYTTELTON.

His Majesty's Minister at Tokio, Japan, to Lord Grey.

Tokio, November 19, 1905.

My Lord.—In obedience to instructions from His Majesty's Principal Secretary of State for Foreign Affairs, I recently approached the Japanese government with a view to their consenting to the adhesion of Canada to the Anglo-Japanese treaty of July 16, 1894, and to the supplementary convention of July 16, 1895.

I found the Japanese government quite prepared to take the necessary steps for the application of the terms of the two agreements to the intercourse between Canada and Japan, but in view of the expiration of the two years allowed by article XIX, of the treaty of 1894, for the adhesion of British colonies, they thought that the desired object could best be secured by the conclusion of a special convention.

They have now prepared a draft of the proposed convention, copy of which I have the honour to transmit to Your Lordship herewith.

A copy of this draft will be forwarded to the Marquis of Lansdowne by the Canadian Pacific mail, leaving Yokohama on the 24th instant.

CLAUDE M. MACDONALD.

His Majesty the Emperor of Japan and His Majesty the King of the United King-
dom of Great Britain and Ireland, and of the British Dominions beyond the Seas,
Emperor of India, being equally desirous of facilitating the commercial relations be-
tween Japan and Canada, have resolved to conclude a convention to that effect, and
have named as their respective plenipotentiaries:—
His Majesty the Emperor of Japan,
• • • • • • • • • • • • • • • • • • • •
His Majesty the King of the United Kingdom of Great Britain and Ireland, and
of the British Dominions beyond the Seas, Emperor of India,
who, having reciprocally communicated their full powers, found in good and due form,
have agreed as follows:—

ARTICLE I.

The two high contracting parties agree that the stipulations of the treaty of commerce and navigation between Japan and Great Britain, signed at London on the 16th day of the 7th month of the 27th year of Meiji (corresponding to the 16th day of July, 1894), and of the supplementary convention between Japan and Great Britain, signed at Tokio, on the 16th day of the 7th month of the 28th year of Meiji (corresponding to the 16th day of July, 1895), shall be applied to the intercourse, commerce and navigation between the Empire of Japan and the British Dominion of Canada.

ARTICLE II

The present convention shall be ratified and the ratification thereof shall be excanged at Tokio as soon as possible. It shall come into effect immediately after the exchange of ratifications, and shall remain in force until the expiration of six months

from the day on which one of the high contracting parties shall have announced the intention of terminating it.

In witness whereof, the above-mentioned plenipotentiaries have signed the present

convention and have affixed thereto their seals.

Done in duplicate at Tokio, in the Japanese and English languages, thisday ofmonth of the 38th year of Meiji, corresponding to theday ofyear one thousand nine hundred and five.

From Lord Grey to Mr. Lyttelton.

Ottawa, November 24, 1905.

Sir,—Referring to your telegram of November 16, my responsible ministers beg to reiterate that they agree to terms of treaty of 1894, and convention of 1895, with Japan. They would urge that His Majesty's ambassador at Tokio be reminded to forward immediately draft of special convention.

GREY.

From Mr. Lyttelton to Lord Grey.

Downing Street, November 30, 1905.

My Lord,—I have the honour to acknowledge the receipt of your telegram of the 24th instant respecting the proposed special convention with Japan providing for the

application to Canada of the treaty of 1894, and the convention of 1895.

2. I request you to explain to your ministers that the necessity for a special convention arose from the fact that the period of the adhesion of Canada to the treaty of 1894 had expired; and although the substance of the proposed convention was telegraphed by His Majesty's ambassdor at Tokio, on the 3rd instant, His Majesty's government felt, in view of certain recent experience which it is not necessary for me to explain, that it was advisable to see the full text before authorizing His Majesty's representative to sign the convention. A telegram was accordingly sent to Sir C. Macdonald on the 13th instant, instructing him to send home the draft by mail and at the same time to send a copy direct to your government, as you were informed by telegram on the 15th instant. Your ministers will probably by this time be in possession of the copy.

ALFRED LYTTELTON.

From Dord Grey to Secretary of State for Colonies.

December 13, 1905.

My Lord.—Your despatch of November 30, Japanese treaty, Sir Wilfrid Laurier has seen draft received from Sir Claude Macdonald and hopes final formalities will be concluded as soon as possible.

GREY.

From Dord Elgin to Lord Grey.

London, January 1, 1906.

My Lord,—Referring to your telegram of December 13, Japanese treaty, have requested Secretary of State for Foreign Affairs to telegraph to Tokio sign convention at once and to arrange for ratification at earliest possible date.

ELGIN.

Lord Elgin to Lord Greu.

London, February 6, 1906.

My Lord,—Referring to my telegram of January 1, convention with Japan signed January 31.

ELGIN.

From Dord Elgin to Lord Grey.

DOWNING STREET, March 31, 1906.

My Lord.—With reference to my telegram of the 6th ultimo, I have the honour to transmit to you, to be laid before your ministers, the accompanying copies of correspondence with the Foreign Office on the subject of the convention for the application to trade and intercourse between Japan and Canada of the treaty between the United Kingdom and Japan of July 16, 1894, and of the supplementary convention of July 16, 1895.

ELGIN.

Foreign Office, March 27, 1906.

Sir,—With reference to your letter of January 1 last, I am directed by Secretary Sir Edward Grey, to transmit to you, to be laid before the Earl of Elgin, a copy of a despatch from His Majesty's ambassador at Tokio, inclosing the convention for the application to trade and intercourse between Japan and Canada of the treaty between this country and Japan of July 16, 1894, and of the supplementary convention of July 16, 1895.

Printed copies of the English text of the convention are also inclosed.

I am to inquire whether, in Lord Elgin's opinion steps should now be taken to prepare the King's ratification of the convention, to be forwarded to His Majesty's ambassador at Tokio for exchange in that capital.

F. A. CAMPBELL.

Tokio, January 31, 1906.

Sir,—I have the honour to report that I attended at the Ministry of Foreign Affairs this afternoon and signed the convention for the application to trade and intercourse between Japan and Canada of our treaty with Japan of July 16, 1894, and of our supplementary convention of July 16, 1895.

I beg to inclose herewith the English and Japanese texts intended for His Majesty's government, and I also inclose the certificate of Mr. Wawn, Acting Assistant Japanese Secretary at this embassy, certifying that the two texts agree in every respect.

CLAUDE M. MACDONALD.

British Embassy, Tokio, January 31, 1906.

I certify that I have compared the Japanese text of the convention for the application to trade and intercourse between Japan and Canada of the British treaty with Japan of July 16, 1894, and the supplementary convention of July 16, 1895, with the English text of the said convention, and find that the two agree in every respect.

J. TWIZELL WAWN.

Acting Asst. Japanese Secretary.

DOWNING STREET, March 31, 1906.

Sir,—I am directed by the Earl of Elgin to acknowledge the receipt of your letter of the 27th instant (9239), inclosing copies of the English text of the convention for the application to trade and intercourse between Japan and Canada of the treaty between this country and Japan of July 16, 1894, and of the supplementary convention of July 16, 1895, and to request you to inform Secretary Sir E. Grey that His Lordship considers that steps should be taken with a view to the exchange of ratifications of this convention.

H. BERTRAM COX

(Signed also in Japanese Text.)

His Majesty the King of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, Emperor of India, and His Majesty the Emperor of Japan, being equally desirous of facilitating the commercial relations between Japan and Canada, have resolved to conclude a convention to that effect, and have named as their respective plenipotentiaries:—

His Majesty the King of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, Emperor of India; Sir Claude Maxwell Macdonald, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, Knight Commander of the Most Honourable Order of the Bath, His Britannic Majesty's Ambassador to Japan; and

His Majesty the Emperor of Japan, Takaaki Kato, Shoshii, First Class of the Imperial Order of the Sacred Treasure, His Imperial Majesty's Minister of State for Foreign Affairs;

Who, having reciprocally communicated their full powers, found in good and due form, have agreed as follows:—

ARTICLE I.

The two high contracting parties agree that the stipulations of the treaty and commerce and navigation between Great Britain and Japan, signed at London on the 16th day of July, 1894 (corresponding to the 16th day of the 7th month of the 27th year of Meiji), and of the supplementary convention between Great Britain and Japan, signed at Tokio on the 16th day of July, 1895 (corresponding to the 16th day of the 7th month of the 28th year of Meiji), shall be applied to the intercourse commerce and navigation between the Empire of Japan and the British Dominion of Canada.

ARTICLE II.

The present convention shall be ratified, and the ratification thereof shall be exchanged at Tokio as soon as possible. It shall come into effect immediately after the exchange of ratifications, and shall remain in force until the expiration of six months from the day on which one of the high contracting parties shall have announced the intention of terminating it.

In witness whereof the above-named plenipotentiaries have signed the present convention and have affixed thereto their scals.

Done in duplicate at Tokio, in the Japanese and English language, this 31st day of January, of year one thousand nine hundred and six, corresponding to the 31st day of the 1st month of the 39th year of Meiji.

CLAUDE M. MACDONALD, KATO TAKAAKI.

JAPANESE TREATY.

1073 M.—Colonial Secretary Cable, 27th June, 1906, Japanese	
Treaty, ratification delayed owing to error in trans-	
lation	1
1096 M.—Colonial Secretary Cable, 12th July, 1906, Japanese	
Treaty, ratification exchanged to-day, 12th July	2
1146 M.—Colonial Secretary Cable, 25th August, 1906, re Publi-	
cation of Convention with Japan in Treaty series	3
1165 M.—Colonial Secretary, 23rd August, 1906, re furnishing	
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P. C. 1073M.

CABLE—CODE.

From Lord Elgin to Lord Grey.

London, 27th June, 1906.

Referring to your telegram of 22nd June, His Majesty's Ambassador, Tokio, telegraphs to-day as follows, begins:—Minister for Foreign Affairs yesterday informed me that ratification had been delayed owing to supposed error in translation, but hopes this being now settled exchange will take place latest next week. Ends.

ELGIN.

P. C. 1096 M.

CABLE—CODE.

From Lord Elgin to Lord Grey.

London, 12th July, 1906.

Referring to your telegram of 9th July, Japanese Convention, ratifications exchanged to-day, 12th July.

ELGIN.

P. C. 1146 M.

* CABLE—CODE.

From Lord Elgin to Lord Grey. . .

London, 25th August, 1906.

Presume that your ministers have no objection to publication of Convention with Japan in treaty series as usual. Telegraph reply.

ELGIN.

P. C. 1165 M.

From Lord Elgin to Lord Grey.

DOWNING STREET, August 23, 1906.

My Lord,—I have the honour to acknowledge the receipt of your deputy's despatch No. 244, of the 21st ultimo, transmitting a copy of a letter from the Belgian Consul-General at Ottawa asking for copies of the convention recently concluded between the United Kingdom and Japan respecting commercial relations between Canada and Japan, and to inform you that the Secretary of State for Foreign Affairs sees no objection to Mr. Charmanne being supplied with copies of the convention, if your ministers agree.

I understand, however, that the convention cannot be published for some time, as the ratifications have not yet been received from Tokio, and if the Consul-General is supplied with copies, he should therefore be requested to regard the communication as confidential until the convention is officially published.

ELGIN.

P. C. 1208 M.

Downing Street, September 27, 1906.

My Lord,—I have the honour to transmit to you for the information of your ministers, with reference to your telegram of the 26th ultimo, the paper noted in the subjoined schedule.

ELGIN.

The Officer Administering

The Government of Canada.

Date.—January 31, 1906.

Description of Document—Convention between the United Kingdom and Japan respecting commercial relations between Canada and Japan.

Convention between the United Kingdom and Japan respecting Commercial Re-

LATIONS BETWEEN CANADA AND JAPAN.

Signed at Tôkiô, January 31, 1906.

[Ratifications exchanged at Tôkiô, July 12, 1906.]

(Signed also in Japanese Text.)

His Majesty the King of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, Emperor of India, and His Majesty the Emperor of Japan, being equally desirous of facilitating the commercial relations between Japan and Canada, have resolved to conclude a Convention to that effect, and have named as their respective Plenipotentiaries:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, Sir Claude Maxwell MacDonald, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, Knight Commander of the Most Honourable Order of the Bath, His Britannic Majesty's Ambassador to Japan; and

His Majesty the Emperor of Japan, Takaaki Kato, Shoshii, First Class of the Imperial Order of the Sacred Treasure, His Imperial Majesty's Minister of State for Foreign Affairs;

Who, having reciprocally communicated their full powers, found in good and due form, have agreed as follows:—

ARTICLE 1.

The two High Contracting Parties agree that the stipulations of the Treaty of Commerce and Navigation between Great Britain and Japan signed at London on the 16th day of July, 1894 (corresponding to the 16th day of the 7th month of the 27th year of Meiji), and of the Supplementary Convention between Great Britain and Japan signed at Tôkiô on the 16th day of July, 1895 (corresponding to the 16th day of the 7th month of the 28th year of Meiji), shall be applied to the intercourse commerce and navigation between the Empire of Japan and the British Dominion of Canada.

ARTICLE II.

The present convention shall be ratified, and the ratifications thereof shall be exchanged at Tôkiô as soon as possible. It shall come into effect immediately after the exchange of ratifications and shall remain in force until the expiration of six months from the day on which one of the High Contracting Parties shall have announced the intention of terminating it.

In witness whereof the above-mentioned Plenipotentiaries have signed the present Convention and have affixed thereto their seals.

Done in duplicate at Tôkiô, in the Japanese and English languages, this 31st day of January, of year one thousand nine hundred and six, corresponding to the 31st day of the 1st month of the 39th year of Meiji.

(L.S.) CLAUDE M. MACDONALD.

(L.S.) KATO TAKAAKI.

IMPERIAL CONSULATE GENERAL OF JAPAN FOR THE DOMINION OF CANADA.

385 LAURIER AVENUE EAST,

Ottawa, January 18, 1907.

To the Right Honourable

Sir Wilfrid Laurier, P.C., G.C.M.G., &c., &c.

Dear Sir Wilfrid.—I have the honour of taking this first opportunity of expressing, in behalf of the Japanese government, my appreciation of your attitude lately taken on the floor of the House of Commons in regard to the question of the treaty of the trade and navigation between Japan and Canada. I am sending by first mail to the Japanese government a copy of the Hansard, containing your speech on the occasion.

I am rest assured that the time will come when Japan can show you something substantial in the way of reciprocating this most noble and impartial sentiment, which you have been in the habit of showing towards my country for last ten years, since your party has come to power, and I only hope the same feeling would be shared by every one in this great Dominion of Canada.

I take further opportunity of laying before you the latest proof that the Japanese government has been upholding their policy of voluntary restriction on their subjects coming to British Columbia, in the shape of a letter from Mr. W. T. Payne, C. P. R. agent at Yokohoma, Japan, to Mr. W. C. Ricardo, manager Lord Aberdeen's farm in British Columbia, a copy of which is herewith inclosed for your kind perusal.

There was of late an alleged report of there landed some 1,800 Japanese at the British Columbia ports during the year of 1906. There might have been even more than that number who landed either at Victoria or at Vancouver, but the most of them were on their way to the United States. Our people going to the States generally avoid the port of San Francisco, since the city was visited by the earthquake.

but select the British Columbia ports in spite of the medical inspection there is too rigidly observed. This change of the place of debarkation on the part of the Japanese has given the British Columbia some advantage, as these immigrants on their landing, as a rule, provide themselves all sorts of necessaries, such as hats, boots and clothing, spending at least \$20 to \$50 each before leaving for the States.

There is no doubt that the scarcity of labour is at present felt everywhere in British Columbia, on all lines of industries—mining, fishing, sawmills, timber limits, railway construction, and especially farming. I have been, from time to time, receiving applications from various parties in British Columbia for large supply of the Japanese labourers, offering very much higher wages than it used to be five years ago. The Japanese government, however, will issue no passports under any pretext whatever. The other day a countryman of mine in Toronto tried to bring a cook from Japan, but he failed in his attempt, the government having refused to give the young man the permission.

I am not able to form any idea about the Chinese immigration into British Columbia, but I believe the Chinese will never care coming to Canada by paying the sum of \$500, as that sum means more than their whole fortune.

If a Chinaman had that sum of money in his own country he would never trouble himself to come to this country to work.

So far as Japanese are concerned their number in British Columbia has been of late very much diminished but the white labourers are not willing to take these places vacated by the Japanese, however high the wages are, probably the work, such as fishing, farming and railway construction being hard and uninteresting.

T. NOSSE.

1677-M.

MEMORANDUM-TRADE BETWEEN CANADA AND JAPAN.

The various details as to trade between Canada and Japan contained in the Memorandum enclosed in Earl Grey's Despatch of March 19th to the Secretary of State for the Colonies seem to call for some comment.

The figures adduced by Mr. Nosse, Japanese Consul-General at Ottawa, to show that Canada's export trade to Japan has received a considerable impetus since the treaty ratified in July, 1907, enabled Canada to enjoy the benefits of the Conventional Tariffs seem to be open to criticism. The following figures give the total imports and exports between the two countries during the four years 1903-1906.

	Imports from Canada.	Exports to Canada.
1903	£ 50,944	£298,444
1904	85,489	327,858
1905	74,727	330,754
1906	102,320	403,540

(N.B.—These totals include re-imports of Japanese goods.)

It will be seen from the above that though there was the considerable increase of £27,595 in Canadian imports in 1906 this was not an abnormal advance, the exports increased nearly £65,000 during the same year, while in 1904 the advance in imports was greater than in 1906. Moreover figures for the years anterior to 1903 show that Canadian imports, though fluctuating greatly, had on the whole an upward tendency. The principal increases in imports in 1907 were in the following articles (there were some things, especially timber, showing declines)—

	1 (15	19 0)	Increase.
Flour	£10,628	£16,705	£ 6,077
Salted salmon and trout	29,320	41,625	12,305
Butter	1,483	2,345	861
Manures	3,529	5,737	2,208
Soap	679	951	265
Lead	5,205	17,391	12,186
Paper (printing)	617	4,609	5,992

Of the above commodities the first four which account for more than half the total gross increase, do not come under any of the conventional tariffs, and were consequently unaffected by the treaty mentioned above; it is therefore hardly accurate to credit that treaty with being the principal cause of the expansion of the import trade. Naturally where Canada is able to export goods mentioned in the conventional tariffs she would benefit largely by the advantages gained by the treaty and indeed the expansion in the imports of lead and printing paper points strongly in that direction; it should be noted that both these items were cheaper in the case of Canada than of the United States, so that though information as to relative quality is lacking, the Canadian increases may not have been due merely to the operation of the Conventional Tariff.

Apart from the above the remark may be made that the majority of the goods enumerated by Mr. Nosse do not appear in the Japanese customs returns as being of Canadian origin. Thus he gives a total quantity of over 1,742,000 pounds of Canadian paper as being shipped to Japan, while the customs returns for 1906 show only some 899,648 pounds (together with a small item of 'other paper' worth only £21) as having been imported from Canada into Japan. Similarly the total value of the metal imports from Canada (apart from lead and including such items as fenders. stoves, kitchen utensils, &c.) was given as only £161 during the same year, a total quite inadequatet for the quantities of steel, wire and metal roofing mentioned by Mr. Nosse as having left Canada for Japan. It is true that Mr. Nosse states the fact that these goods were sent to Japan through the intermediary of American tirms, but this should not have obscured their place of origin. The Japanese import forms require the mention of the place of origin or manufacture, especially in the case of goods benefiting under the conventional tariffs which have to be accompanied by certificates of origin; and the discrepancy between Mr. Nosse's figures and those of the Japanese customs certainly suggests that the locality of origin is in many cases incorrectly stated, and that possibly some of the imports under consideration would have secured the benefit of the conventional tariffs even without the interposition of the treaty of last year. This view is borne out by the fact that the import returns of Japan are by no means in accord with the export returns of Canada. Thus in 1905 the exports from Canada to Japan are given by British returns at £105,025 against £74.727 mentioned above; the figures for 1904 are reversed being only £70,324 in the British returns against £85,489 in the Japanese customs returns.

The import of cotton duck to the extent of 215 yards mentioned as coming from Canada cannot be regarded as bearing directly on the effect of the treaty in promoting commerce as the import of this material from Canada during 1905 was 12,33% square yards valued at £938. There were no imports of cotton duck specifically mentioned in Japanese returns as coming from Canada so that the amount given by Mr. Nosse must have been included under the small items of miscellaneous articles the total of which for that year was only £48. The total value of condensed milk imported into Japan from Canada during 1906 was given at £65 only (248 dozen).

During the five months ended May 31, 1907, the imports from Canada into Japan were given as £46,906, against £46,704 during the previous year, showing

only a nominal increase, though one period was before the operation of the treaty and the other after it. The exports amounted to £123,836 during the above interval in 1907, against £94,442 during the similar period in 1906.

Regarding the further remar?s made in the memorandum on the subject of trade opportunities between Canada and Japan the folloinwg may be said. Dealing first with the specific instances in which it seemed possible for a Canadian firm, Messrs Booth, to have secured the whole or part of a Japanese government order for papers, had they been aware of the fact that tenders were invited, this appears to involve an erroneous impression on the subject of Japanese government tenders. Tenders are not open to every one, but involve generally such conditions as that the tenderer must have been carrying on his business two years in Japan, must deposit a percentage of the value of the tender as security, and tender within a certain time. Presumably Messrs. Booth have no agents in Japan, as otherwise these would have kept them informed, and in that ease it would seem that knowledge of the opportunity would not have availed them; doubtless the American firm mentioned have either a branch office, or agents in Japan who were able to tender.

The difficulty of the extension of Canadian trade in Japan must be put down mainly to the absence of Canadian firms or agencies established in Japan. It goes without saying that in any case strenuous competition would have to be encountered especially from the United States, which supply practically all the commodities that Canada does. Assuming, however, that competition is possible in matters of prices and quality, it is necessary to have merchants able to exploit Canada's products in Japan. It must be remembered that the foreign trade of Japan is in the majority of cases worked through middlemen. In some government and other special purchases direct trade may be the method used, and Japanese representatives are sometimes sent abroad for the purpose of buying specially desired commodities. Language and other difficulties, and the course of the growth of trade for the last fifty years, have rendered necessary the employment of large import and export firms trading on their own account or acting as agents for manufacturers and producers in their own countries; there are, of course, some companies large enough for enterprising, especially in recent years, to establish branch offices. Thus a list of important merchant firms only in Japan would show some sixty British firms (including one Australian and several Indian) established in Japan and doing import and export business. These firms hold a very large number of agencies, principally of merchants in the United Kingdom, while the business done by these is supplemented by that of Japanese firms in British territory.

It would seem, therefore, that the most likely way of pushing Canadian trade with Japan would be through the instrumentality of firms (Canadian or otherwise) established in Japan and making a speciality of Canadian goods. It is impossible to advise the establishment of such a firm in any specific case which might come up for consideration; the difficulty of opening up a market, the competition of other countries, especially the United States, in price, quality and quantity of goods, the high cost of living and other difficulties might all prove serious obstacles; and in the case of firms and individuals with small capital and the result might prove disastrous. Where, however, large companies with ample resources are concerned, who desire to find a market in Japan for their goods, or who consider that they can see their way to open a lucrative trade with Japan, the establishment of a local branch or agency, is the most likely way of doing business. There would have to be considerable outlay in investigation, advertising, maintenance, expenses, &c., with the risk of ultimately finding the market unremunerative, but this seems the most obvious way of expanding trade. An agent or representative is in the best position to examine conditions closely to gauge the probable demand for goods, to ascertain the current prices and quality of competing articles, to get into touch with people and firms otherwise diffi-

cult to reach, and generally to deal with the numerous difficulties of landing, examining, storing, delivering, &c., which arise before the final disposition of the goods. Doubtless it might be possible to get some existing firms (British or more likely American) to accept agencies for Canadian goods, and indeed a good part of the existing Canadian trade is done through American firms and some Japanese houses in Canada. Such local firms would, however, not deal exclusively or even principally in Canadian commodities, and the result would probably be that only surplus orders would go to Canada.

It is a matter of much doubt as to what would be the exact scope of the agents or representatives indicated in the last three paragraphs of the memorandum. If these were proper business agents, able to buy or sell goods, make business contracts and carry them out they would practically be of the description of agents mentioned above. If, however, they were not business agents it is difficult to see exactly what they could do beyond collect and supply information. If sufficient funds were allotted such agents, whether government or private, could of course advertise, distribute catalogues, store and exhibit samples and do anything else to attract attention and interest to Canadian products, but when that was done the main problem of opening up or expanding trade relations would still remain.

P. C. 2256

Extract from a Report of the Committee of the Privy Council, approved by the Governor General on the 12th October, 1907.

The Right Honourable Sir Wilfrid Laurier recommends that, in view of the recent unfortunate occurrences which have taken place in British Columbia, as a result of the largely increased influx of Oriental labourers into that province, and in view of the fact that there has been a treaty of peace and commerce between His Majesty the King and the Emperor of Japan since the year 1894, and that Canada became a party to that treaty less than two years ago, the Honourable Rodolphe Lemieux, Postmaster General and Minister of Labour, do proceed immediately to Japan to discuss the situation with His Majesty's Ambassador at Tokio and the Japanese authorities, with the object, by friendly means, of preventing the recurrence of such causes as might disturb the happy relations which have, under the said treaty, existed between the subjects of His Majesty the King, in Canada and elsewhere, and the subjects of His Majesty the Emperor of Japan.

The committee, concurring in the foregoing recommendation, submit the same for approval.

RODOLPHE BOUDREAU,

Clerk of the Privy Council.

P. C. 1677—M.

Extract from a Report of the Committee of the Privy Council, approved by the Governor General on the 25th October, 1907.

The Committee of the Privy Council have had under consideration a despatch, dated 28th August, 1907, from the Secretary of State for the Colonies, transmitting papers on the subject of trade between Canada and Japan.

The Minister of Trade and Commerce, to whom the said despatch was referred states that the principal paper covered by the despatch is a memorandum by Mr. Harrington, acting commercial attaché at His Majesty's Embassy, Japan, commenting on certain details as to the Canada-Japan trade.

While it is difficult to reconcile Mr. Harrington's figures with those shown in the Canadian returns of trade with Japan, yet this difference may be well explained that the two sets of figures do not cover exactly the same period; and making allowance for these diversities it would seem that Mr. Harrington's premises are well taken, and that although there has been some increase of trade between Canada and Japan since the coming into effect of the treaty, which was ratified in July, 1906, the actual increase when analysed, does not appear to have been as great as has been claimed by the Japanese Consul General.

Although the treaty may in the near future have a very strong influence, no very great result has so far been apparent, as the increase of trade has been possibly more accidental than otherwise, and to a certain extent in articles not covered by the convention.

The minister fully agrees in Mr. Harrington's opinion that it is only by persistent efforts on the part of exporters that they can hope to build up a remunerative trade with Japan.

In so far as the imports into Canada from Japan are concerned, they practically consist of but few items, the largest of which is tea, which fluctuates from year to year, not so much in quantity as in current value.

The minister observes that the conventional treaty give no advantage in this respect to imports from Japan, as such principal item is and has been for a number of years on the free list.

The minister expresses the hope that the cordial relations which exist between Canada and Japan may be further stimulated and result in a material increase in the trade between the two countries, for by reason of geographical situation Canada should possess advantages for development of trade at least equal to those of any other American country.

The minister submits a statement taken from Canadian Trade Returns which shows the trade between the two countrie each year from June 30, 1903, to 1907, inclusive.

The committee advise that His Excellency be moved to forward a copy hereof to the Right Honourable the Secretary of State for the Colonies.

All of which is respectfully submitted for approval.

RODOLPHE BOUDREAU,

Clerk of the Privy Coundil.

TRADE OF CANADA WITH JAPAN.

Statement showing the trade of Canada with Japan during the six months ended December 31, 1902 to 1906; six months ended June 30, 1903 to 1907; and years ended June 30, 1903 to 1907. (From Canadian Returns.)

		_					
	IMPORTS FOR CONSUMPTION.			Exports.			Total
	Dutiable.	Free.	Total'	Home Produce.	Foreign Produce.	Total.	Trade.
	S	Ş	S	Ş	ş	Ş	3
Six months ended December 31, 1902 Six months ended December	282,411	530,713	813,124	206,527	147	206,674,	1,019,798
31, 1903	398,845	819,479	1,218,324	153,530	4	153,534	1,371,858
Six months ended December 31, 1904	415,769	787,645	1,203,414	259,757	1,128	260,885	1,464,299
Six months ended December 31, 1905	194,213	500,114	994,327	231,704	284	231,988	1,226,315
Six months ended December 31, 1906	563,372	552,471	1,115,843	340,256	2,623	342,879	1,458,722
Six months ended June 30, 1903	399,528	216,034	615,292	118,411	96	118,507	733,799
1904.	473,505	255,402	728,907	188,273	309	188,582	917,489
Six months ended June 30, 1: 05.	560,182	165,290	725,472	248,852	1,188	250,040	975,512
Six months ended June 30,	551,813	127,402	679,215	260,571	1,543	262,114.	941,329
Six months ended June 30, 1907.	567,574	334,119	901,693	240,269	62	240,691	1,142,382
Year ended June 30, 1903	681,669	746,747	1,428,416	324,938	213	325,181	1,753,597
" 1504	872,350	1,074,881	1,947,231	341,803	313	342,116	2,289,347
1905	975,951	952,935	1,928,886	508,609	2,316	510,925	2,439,811
1906	1,046,026	627,516	1,673,542	492,275	1,827	494,102	2,167,644
1907	1,130,946		2,017,536		2,685		2,601,106
			_				

P.C. 1734-M.

From Bord Elgin to Lord Grey.

Downing Street, 30th October, 1907.

My Lord,—With reference to previous correspondence respecting the mission of Mr. Lemieux to Japan, I have the honour to request you to inform your ministers that His Majesty's Ambassador at Tokio was instructed by telegraph on the 26th October in the sense proposed in my telegram of the 17th October and agreed to in your telegram of the 22nd October.

2. I take this opportunity to forward for the information of your ministers copy of a despatch which has been addressed to Sir C. Macdonald (No. 219 of the 16th October), with reference to Mr. Lemieux's mission.

ELGIN.

Japanese and Chinese Riots, Vancouver. 1640 M.—Colonial Secretary, 10th September, 1907, that Chinese Charge d'Affaires, hopes protection may be given to Chinese subjects. 1663 M.—His Majesty's Ambassador, Washington, 20th September, 1907, ask information re connection between Canadian and American movement. 2

1685 M.—Consul General for Japan, 7th October, 1907, ask	S
that measures be taken to prevent recurrence	. 3
1701 M.—Colonial Secretary, 7th October, 1907, transmits note	
from Chinese Legation respecting	
2170-Order in Council, 12th October, 1907, appointment of W	
L. Mackenzie King a Commissioner to conduct in	
quiry into the losses and damages sustained by the	
Japanese population in Vancouver	
1739 M.—Sir Claude Macdonald, 23rd October, 1907, re Can	
adian government preventing recurrence of riot	
ing	
Mackenzie King, a Commissioner to inquire into	
Emigration of Orientals	
1740 M.—Colonial Secretary, 6th November, 1907, transmits	
Chinese Charge d'Affaires re damages to Chinese	
1755 M.—Colonial Secretary, 12th November, 1907, transmits	
Claude Macdonald re feeling in Japan	
1663 M.—Order in Council, 14th November, 1907, in reply to	
H. M. Minister, Washington despatch, 20th Sep-	4 -
tember, 1907	
24.—Petition residents of the province of British Columbia that	
Dominion government immediately pass such legis-	
lation as may be requisite to ensure the absolute	
exclusion of Orientals from the Dominion of	
Canada	11

1640 M.

CABLE—CODE.

From Lord Elgin to Lord Grey.

London, 10th September, 1907.

Chinese Charge d'Affaires called at Foreign Office yesterday on receipt of telegram from Chinese Association, Vancouver, reporting demonstration against Chinese and Japanese and danger to lives and property of Chinese residents in that city. He expressed hope that immediate instructions might be given to authorities in British Columbia to afford adequate protection to Chinese subjects. I presume Charge d'Affaires may be informed that all necessary steps are being taken to that end.

ELGIN

P. C. 1663-M.

From Rt. Hon. Jas. Bryce to Lord Grey.

British Embassy, Intervale, N.H., Sept. 20, 1907.

My Lord,—In view of the intimate inter-relation of the anti-oriental agitation in the Pacific provinces of the Dominion of Canada with that in the Pacific States of the United States, it would be of great use to His Majesty's Embassy if any available information on the subject of the connection between the Canadian and American movement, with special reference to the action of American agitators at Vancouver, might be communicated to this embassy for its information and guidance. The Embassy on its part will transmit to the Dominion government any information of interest it may receive on this subject from His Majesty's Consular officers on the Pacific Coast.

JAMES BRYCE,

1685-M.

From Consul General for Japan to the Governor General.

IMPERIAL CONSULATE GENERAL OF JAPAN, OTTAWA, October 7, 1907.

Your Excellency,—I have the honour to call the attention of your Excellency's government to the fact that since the disturbance at Vancouver, B.C., on the night of the 7th September, when fifty-six of the stores owned by Japanese were attacked and store windows smashed by a mob, and two Japanese were slightly wounded on the occasion and also an attempt was made to set on fire a Japanese school house on the night of the 9th, there still exists not only in the said city, but also in certain sections of British Columbia, I regret to say, a very strong feeling of hostility to the Japanese residing in the province who are engaged in legitimate and peaceful occupations.

Your Excellency's government is possibly aware of the fact that it is alleged that the attack, made on the Japanese stores, as aforesaid, was the outcome of a demonstration arranged by the Anti-Asiatic League which held its meeting early that evening, and at which many prominent citizens of Vancouver took part. Although the demonstration was apparently against Asiatics in general, evidently it would appear to have been aimed against Japanese especially, because the league seemed to have no serious objection to Hindoos on the ground perhaps that they are British subjects themselves, and Chinese being practically excluded from Canada on account of the imposition of five hundred dollar capitation tax upon every Chinese, so that as matter of fact the league is principally directed against Japanese immigration, and the subsequent agitations both in British Columbia and elsewhere will show that they are all directed against Japanese.

If the statements in some of the press in British Columbia are to be relied upon in this connection, I' may quote a few sentences from them, published after the outbreak, to show that the attack was particularly directed against the Japanese. This paper has the following headings: "Attack on Jap-town. Recognizing the fact that the fight of the labouring classes in this instance is directed against the Japanese the mob soon left Chinatown and headed in the direction of Jap-town."

This, it seems to me, leaves no doubt that the demonstration at Vancouver on the night of the 7th September was mainly against the Japanese. I regret to say that necessary precaution was not taken by the city authorities to prevent the outbreak and thus that section of the city in which the Japanese reside was entirely at the mercy of the rioters for the whole night and a part of the following morning. A further extract from a local newspaper, may illustrate the real state of the city that eventful night and how the police force proved utterly unequal to the situation: "Law and order were lost in the vortex of mob rule, which swirled and eddied through the oriental section of Vancouver on Saturday night and during the early hours of Sunday morning. Thousands of dollars' worth of damage was done by the mob to the property of the Orientals. The police on the scene were utterly unable to cope with the mass of struggling, cursing, shouting humanity."

It is apparently clear that in this situation the Japanese residents in the City of Vancouver were not able to depend upon the city authorities for their protection of life and property, and perfect tranquility and peace were not assured until after several days had passed.

Your Excellency's government may also be aware of the fact that the Anti-Asiatic League has for its avowed object the exclusion of Japanese subjects from Canada, and still keeps on agitating against the Japanese even to the extent of indulging of very threatening laguage. The continuance of the Anti-Japanese agitation by the said league and by the labour element throughout the western section of Canada, and its co-operation by the leading newspapers and prominent citizens of Canada, has

created a feeling of very grave apprehension on the part of my countrymen resident in British Columbia, that further disturbances may arise which might lead to loss of life or property, unless effective measures are taken by the local authorities to see that these peaceful and law-abiding subjects of Japan are protected in their ordinary vocations.

My countrymen in British Columbia fully appreciate the friendly tone of the telegram sent in Your Excellency's name by Sir Wilfrid Laurier to the mayor of Vancouver, in reference to the deplorable occurrence on the 7th of September and rely with the fullest confidence upon every essential precaution which would be taken by Your Excellency's advisers to acord them every possible protection in consonance with treaty rights and international usages.

T. NOSSE.

P. C. 1701-M.

DOWNING STREET, 7th October, 1907.

My Lord,—I have the honour to acknowledge the receipt of Your Excellency's telegrams of the 11th and 14th September relative to the recent riots in Vancouver, and to transmit to you, for the information of your Ministers, copy of correspondence with the Foreign Office on the subject of a note from the Chinese Legation regarding the protection of Chinese subjects in Canada.

ELGIN.

CHINESE LEGATION, September 16th, 1907.

DEAR SIR FRANCIS CAMPBELL,—I beg to acknowledge the receipt of your two letters of the 12th and 13th instant stating that all measures have been taken for the protection of the lives and property of Chinese subjects in British Columbia, and that it is believed that troubles are probably over.

I receive this information with much satisfaction and considering that there is an enormous number of Chinese living in various parts of Canada where the public feeling may, in consequence of labour agitation, break out without any warning against them, I trust that precautionary measures have also been taken for their protection in other provinces than British Columbia.

IVAN CHEN.

Foreign Office, September 30th, 1907.

Sir,—With reference to your letter of the 12th instant, I am directed by Secretary Sir E. Grey to transmit to you herewith to be laid before the Secretary of State for the Colonies, a copy of a letter from the Chinese Charge d'Affaires relative to the recent riots at Vancouver.

Iam to call attention, for such action as the Earl of Elgin may consider available, to para 2 of Mr. I'van Chen's note, in which he expresses the hope that precautionary measures have also been taken in provinces of Canada other than British Columbia for the protection of Chinese subjects in the event of any outbreak of public feeling against them.

Mr. Ivan Chen has been informed that the matter has been brought to the notice of Lord Elgin.

F. A. CAMPBELL.

DOWNING STREET, 5th October, 1907.

The Under Secretary of State, Foreign Office.

Sir.—I am directed by the Earl of Elgin to acknowledge the receipt of your letter No. 31140 of the 30th ultimo, transmitting copy of a letter from the Chinese Charge d'Affaires relative to the recent riots at Vancouver.

2. With regard to para. 2 of Mr. Ivan Chen's note, I am to suggest that, should Sir E. Grey see no objection, the Chinese Legation should be assured, that His Majesty's government have every confidence, that the authorities in all the provinces of the Dominion of Canada will take whatever measures are necessary for the protection of Chinese subjects.

C. P. LUCAS.

P. C. 2170.

Extract from a Report of the Committee of the Privy Council, approved by the Governor General on the 12th October, 1907.

On a memorandum dated 28th September, 1907, from the Secretary of State, representing that he has received a communication from Mr. T. Nosse, Consul General for Japan in Canada, stating that he was in receipt of a cable message from the Foreign Minister of Japan calling attention to the damages and losses sustained by the Japanese residents in Vancouver during the riots in the early part of the month of September, 1907, and expressing the hope that in view of the cordial and friendly relations existing between Japan and Canada, the case may be settled at Ottawa independent of the British government and without going through the usual diplomatic channels.

The Minister therefore recommends that the losses sustained during the recent riots by the Japanese population residing in Vancouver be ascertained with a view to their payment, and that Mr. W. L. Mackenzie King, C.M.G., Deputy Minister of Labour, be appointed a Commissioner under the Enquiries Act, Chapter 104, of the Reviser Statutes, to conduct an enquiry into the losses and damages sustained by the Japanese population in Vancouver on the occasion of the recent riots in that city.

The Committee submit the same for approval.

RODOLPHE BOUDREAU,

Clerk of the Privy Council.

P. C. 1739-M.

His Excellency,
The Right Honourable

Sir Wilfrid Laurier, K.C.M.G.

Tokio, 23 October, 1907.

Sir,—On receipt of Your Excellency's telegram of the 12th inst. on the subject of the recent disturbances at Vancouver I at once addressed a note to the Minister of Foreign Affairs conveying the message contained in the above mentioned telegram.

On the 19th instant I telegraphed to Your Excellency the substance of the reply received from Count Hayashi and I now have the honour to transmit herewith a translation of His Excellency's note.

It will be observed that His Majesty the Emperor and the Japanese government express their full confidence in the intention and ability of the Canadian government to prevent the recurrence of such regrettable events.

CLAUDE M. MACDONALD.

2435.

Extract from a Report of the Committee of the Privy Council, approved by the Governor General on the 5th November, 1907.

On a memorandum dated 4th October, 1907, from the Secretary of State, recommending—in view of the recent unfortunate occurrences which have taken place in

British Columbia, as a result of the largely increased influx of oriental labourers into that province—that Mr. W. L. MacKenzie King, C.M.G., Deputy Minister of Labour, be appointed a Commissioner under the Inquiries Act, chapter 104, of the Revised Statutes of Canada, to conduct an inquiry into the methods by which the said Oriental labourers have been induced to emigrate to Canada during the present year.

The Committee submit the same for approval.

RODOLPHE BOUDREAU.

Clerk of the Privy Council.

1740-M.

DOWNING STREET, 6th November, 1907.

The Officer Administering the Government of Canada,

My Lord,—I have the honour to transmit to you for the information of your Minister, with reference to my despatch No. 387 of the 7th ultimo, the paper noted in the subjoined schedule on the subject of the recent riots at Vancouver.

ELGIN.

Date, 21st October, 1907.

Description.—From the Chinese Charge d'Affaires.

1740-M.

CHINESE LEGATION, 21st October, 1907.

Sir Francis Campbell, K.C.M.G., C.B.,

Dear Sir Francis Campbell,—I' beg to acknowledge the receipt of your two letters of the 30th ultimo, and the 17th instant, in reply to my note of the 16th of September last, with regard to the necessary protection of Chinese subjects residing in other parts of Canada than Vancouver.

I have learned with great relief of anxiety that His Majesty's Colonial Office have every confidence that the authorities in all the provinces of Canada will take

whatever measures are necessary for the purpose.

The telegram, received by His Excellency the Governor General of Canada from the Mayor of the City of Vancouver, mentioned in your letter of the 30th ultimo, confirms the report I received from the China Association of that place relating to some damage to property caused by the regretable disturbance on the 7th September.

I may add that a Chinese official has been deputed from the Chinese Consulate General in San Francisco to make careful investigations into the extent of the said damage.

IVAN CHEN.

P. C. 1755-M.

DOWNING STREET, 12th November, 1907.

The Officer Administering the Government of Canada.

My Lord,—I have the honour to transmit to you for the information of your Minister, with reference to my despatch No. 439 of 6th instant the papers mentioned in the subjoined schedule, on the subject of the recent disturbances at Vancouver.

ELGIN.

Tokio, 2nd October, 1907.

The Rt. Hon. Sir EDWARD GREY.

Sir,—The Vancouver riots of the 6th and 9th ultimo have excited little comment in the Japanese press. And what has been said is distinguished for its moderation. The gist of the few leading articles which have appeared is that though anti-Japanese feeling in British Columbia is no new thing, the recent outbreak was due to the exceptionally large numbers of Japanese immigrants from Hawaii, who, turned back from San Francisco and other points on the American Pacific Coast by the new anti-immigration legislation introduced by the United States government, have been entering Vancouver during the last six months. Satisfaction is expressed at the prompt action taken by the Canadian government and the local authorities of Vancouver, and at the tone adopted by the British and Canadian press, though exception is taken by the Japan Times to the views expressed by certain London journalists. The sympathy shewn for Japan by the British public on the occasion of the San Francisco disturbances is cited as a proof that justice will be done to Japan in this matter, and a distinction is carefully drawn between the circumstances of the Californian difficulty—where federal and state rights were in conflict—and the present situation in Vancouver. 'What,' the Nichi Nichi says, 'we should do is to assert our treaty rights and ask for the effective discharge of treaty obligations. This is what we hoped for when the San Francisco troubles occurred; we looked for an immediate settlement of the difficulty on these lines. But what occurred on that occasion was that the matter was treated as one which concerned primarily the relations between the Federal government and the local authorities, and the international aspect of the question as between Japan and the United States was obscured. There is nothing of this kind to interfere with the solution of the present difficulty. No doubts as to rights or obligations exist, everything is clear and distinct. In July of last year the Convention by which Canada adhered to the British Treaty with Japan came into operation, and her position towards Japan is now the same in every respect as that of the mother country.'

The Jiji suggests that the present moment when disturbances of a similar kind have occurred in the territories of Japan's ally and of another country which is her best friend, is a good opportunity for jointly investigating the underlying causes which are responsible for these outbursts of feeling and for applying a remedy if possible.

CLAUDE M. MACDONALD.

P. C. 1663—M.

Certified copy of a Report of the Committee of the Privy Council, approved by His Excellency the Governor General on the 14th November, 1907.

The Committee of the Privy Council have had under consideration a despatch dated 20th September, 1907, from His Majesty's Ambassador at Washington requesting that any available information concerning the connection between the Canadian and American agitation against Oriental immigrants, and especially relating to the action of American agitators at Vancouver, might be communicated to the British Embassy at Washington for his information and guidance.

The Acting Minister of Labour, to whom the said despatch was referred, states that on October 12 Mr. W. L. Mackenzie King, C.M.G., Deputy Minister of Labour, was appointed a commissioner to conduct an inquiry into the losses and damages sustained by the Japanese population in Vancouver on the occasion of the recent riots in that city, and also that on November 5, Mr. King was further appointed a commissioner to conduct an inquiry into the methods by which Oriental labourers have been induced to emigrate to Canada during the present year

The Minister recommends that the report of the commissioner in each case be duly forwarded to His Majesty's Ambassador at Washington as soon as the same has been laid before His Excellency in Council.

The Committee concurring in the foregoing advise that His Excellency be moved to forward a copy hereof to His Majesty's Ambassador at Washington.

All of which is respectfully submitted for approval.

RODOLPHE BOUDREAU,

Clerk of the Privy Council.

P. C. 24-1908.

To the Right Hon. Sir Wilfrid Laurier, G.C.M.G., P.C., K.C., Premier of Canada:

The Petition of the undersigned residents of the Province of British Columbia, humbly sheweth:

1. That the Province of British Columbia has in the past, and will, until restriction, continue to be the dumping ground of Oriental labourers—notably the Hindus, Japanese and Chinese.

2. That at the present time there are at least 30,000 Orientals of the foregoing

races in British Columbia.

- 3. That the Orientals enter into competition with white men whom they have largely displaced in the fishing, produce, supply and lumbering industries, and have usurped the places amongst unskilled labourers that would otherwise be filled by white men.
- 4. That the Orientals are not capable of assimilation with the white races at present in Canada, and thus prevent the formation of a homogeneous citizenship.

5. That the national existence of Canada is threatened by the introduction of

non-assimilable races and the consequent driving out of the white man.

6. That the Royal Commission appointed by your government fully investigated this question and urged the prohibition of all Oriental immigration, and your government recognized the soundness of this decision by passing the Chinese Exclusion Act, and arranging with the government of Japan for limitation of immigration.

7. That the measures adopted by your government have not been effective to

secure the desired ends.

THEREFORE your petitioners humbly pray:

That regardless of foreign countries, and all sentimental and political considerations, your government immediately pass such legislation as may be requisite to ensure the absolute exclusion of Orientals from the Dominion of Canada.

And your petitioners as in duty bound will ever pray.